



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>

23326

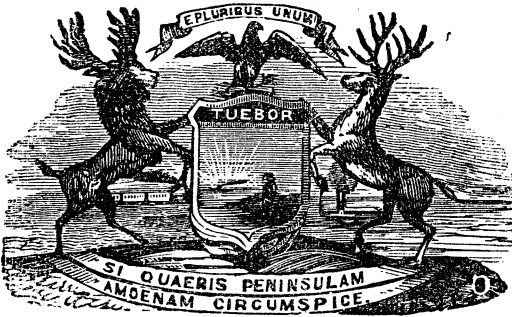
JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF THE
STATE OF MICHIGAN.

1867.

Printed by Order of the Convention, under the supervision of

THOMAS H. GLENN,

Principal Secretary of the Convention.



BY AUTHORITY.

LANSING:
JOHN A. KERR & CO., PRINTERS TO THE STATE
1867.

JOURNAL OF THE CONVENTION.

FIRST DAY.

Lansing, Wednesday, May 15, 1867.

Pursuant to the provisions of law, the delegates elected to revise the Constitution of the State of Michigan, met in Convention at the Capitol, at Lansing, at eleven o'clock A. M., and were called to order by Hon. Oliver L. Spaulding, Secretary of State, who called the roll of delegates by counties, and the following answered to their names:

Allegan.—William B. Williams, William E. White.

Barry.—Harvey Wright, Adam Elliott.

Bay.—James Birney.

Berrien.—William S. Farmer, Lorenzo P. Alexander, Henry H. Coolidge.

Branch.—Cyrus G. Luce, Asahel Brown.

Calhoun.—Charles D. Holmes, Eden F. Henderson, George Willard.

Cass.—Levi Aldrich, Jacob J. Van Riper.

Clinton.—Alvah H. Walker, Nathaniel I. Daniells.

Eaton.—Joseph Musgrave, Milton P. Burtch.

Genesee.—Sumner Howard, Henry R. Lovell, Thaddeus G. Smith.

Grand Traverse, &c.—DeWitt C. Leach.

Gratiot.—DeWitt C. Chapin.

Hillsdale.—Lewis J. Thompson, Daniel L. Pratt, Simeon P. Root.

Ingham.—John W. Longyear, Lemuel Woodhouse.

Ionia.—George W. Germain, Sanford A. Yeomans.

Jackson.—Eugene Pringle, Freeman C. Watkins, William F. Goodwin.

Kalamazoo.—Marsh Giddings, Delamore Duncan, Milton Bradley.

Kent.—Solomon L. Withey, Jacob Ferris, Lyman Murray, Milton C. Watkins.

Lapeer.—Myron C. Kenney, John M. Lamb.

Lenauee.—Jacob C. Sawyer, Perley Bills, Martin P. Stockwell, Horace J. Sheldon, Charles M. Croswell.

Livingston.—Benjamin W. Lawrence.

Mackinac, &c.—Bela Chapman.

Macomb.—Dexter Mussey, Thomas M. Crocker.

Monroe.—Edward G. Morton, William A. Rafter, William Corbin.

Montcalm.—George F. Case.

Muskegon.—Henry H. Holt.

Newaygo, &c.—William S. Utley.

Oakland.—P. Dean Warner, Edward P. Harris, Willard M. McConnell, Jacob Van Valkenburgh.

Ontonagon.—James Burtenshaw.

Saginaw.—Jabez G. Sutherland.

Sanilac.—John Divine.

Shiawassee.—Josiah Turner, S. Titus Parsons.

St. Clair.—Marcus H. Miles, Ezra Hazen.

St. Joseph.—William L. Stoughton, Comfort Tyler.

Tuscola.—Benjamin W. Huston.

Van Buren.—Samuel H. Blackman, Charles Duncombe.

Washtenaw.—Thomas Ninde, Charles H. Richmond, Lyman D. Norris, Daniel Hixson.

Wayne.—Robert McClelland, Daniel Goodwin, Peter Desnoyers, William A. Smith, Jonathan Shearer, William E. Warner.

On motion of Mr. F. C. Watkins, of Jackson county,

P. Dean Warner, of Oakland county, was appointed President *pro tempore*.

On motion of Mr. Leach, of Grand Traverse county,

Thomas H. Green, of Berrien county, was appointed Secretary *pro tempore*.

On motion of Mr. Giddings, of Kalamazoo county, David B. Parinton, of Branch county, was appointed Sergeant-at-Arms, *pro tempore*.

Mr. Willard moved that the Secretary of State administer to the members of the Convention, the oath of office.

Mr. Giddings moved that the oath to be administered be in the following form:

"You do solemnly swear that you will support the Constitution of the United States, and that you will faithfully discharge the duties of delegate to this Convention, to the best of your ability."

Mr. Pringle moved as a substitute, that the oath to be administered be the Constitutional oath of office prescribed by the present Constitution of this State;

Which was agreed to.

The motion authorizing the Secretary of State to administer the oath then prevailed, and the delegates present, severally presented themselves, qualified and took their seats.

Mr. Giddings offered the following resolution, which was adopted:

Resolved, That the Convention now proceed to elect by ballot a President of this Constitutional Convention.

Mr. Mussey moved that the Chair appoint three tellers, to receive and count the ballots;

Which motion prevailed.

The chair appointed as such tellers, Messrs. Mussey, McConnell and Pringle.

The roll of delegates was then called by counties, by the Secretary *pro tem.*, and the ballots cast were counted with the following result:

For Charles M. Croswell, 67;

For Daniel Goodwin, 13;

For Robert McClelland, 1;

For D. C. Leach, 1.

The President *pro tem.* announced that Charles M. Croswell,

of Lenawee county, having received a majority of all the votes cast, was duly elected President of the Convention.

Mr. Birney moved that a committee of two be appointed by the Chair, to wait upon the President elect and conduct him to the chair;

Which motion prevailed.

The President *pro tem.* appointed as such committee, Messrs Birney and McClelland.

Upon taking the chair, the President elect addressed the Convention as follows:

GENTLEMEN OF THE CONVENTION:—For the honor you have conferred upon me, in calling me to permanently preside over your deliberations, I return you my sincere and heartfelt thanks. I feel that the choice is far more complimentary to me, than I am equal to the duties it imposes. Sent here by the sovereignty of the State, guided by the counsels of wisdom and solid reason, animated by a deep regard for the public welfare, I doubt not that you will mould and remodel our State Constitution, so that it shall meet the increased and increasing wants of our noble Commonwealth, and the approval of your constituents, and ever stand an evidence of your wisdom and sagacity, and a monument of justice and of right. Again thanking you for this distinguished mark of your confidence and esteem, relying upon your patience, forbearance and coöperation, and trusting that all your efforts may contribute to the public good, and that the blessing of Heaven may attend each of you, I assume the duties your partiality has so kindly assigned to me.

On motion of Mr. Miles,

The Convention proceeded to the election, *viva voce*, of a Secretary, with the following result:

FOR THOMAS H. GLENN.

Mr. Aldrich,
Alexander,
Bills,
Birney,

Mr. Hazen,
Henderson,
Holmes,
Holt,

Mr. Sheldon,
T. G. Smith,
Stockwell,
Stoughton,

Blackman,
Brown,
Burtch,
Burtenshaw,
Case,
Chapin,
Chapman,
Coolidge,
Daniells,
Divine,
Duncan,
Dunscombe,
Elliott,
Farmer,
Ferris,
Germain,
Giddings,
W. F. Goodwin,
Harris,

Howard,
Huston,
Kenney,
Lamb,
Leach,
Longyear,
Lovell,
Luce,
McConnell,
Miles,
Murray,
Mussey,
Musgrave,
Ninde,
Parsons,
Pratt,
Pringle,
Root,
Sawyer,

Thompson,
Turner,
Tyler,
Uiley,
Van Riper,
Van Valkenberg,
Walker,
P. D. Warner,
M. C. Watkins,
F. C. Watkins,
White,
Willard,
Withey,
Williams,
Woodhouse,
Wright,
Yeomans,
President,

63

FOR E. R. MERRIFIELD.

Mr. Corbin,
Crocker,
Desnoyer,
D. Goodwin,
Hixson,

Mr. Lawrence,
McClelland,
Morton,
Norris,
Rafter,

Mr. Richmond,
Shearer,
W. A. Smith,
Sutherland,
W. E. Warner, 15

Thomas H. Glenn, having received a majority of all the votes cast, was declared elected Secretary of the Convention.

Mr. F. C. Watkins offered the following resolution, which was adopted:

Resolved, That D. B. Purinton be appointed Sergeant-at-Arms of this Convention.

Mr. Willard offered the following resolution:

Resolved, That the Secretary be and he is hereby authorized to appoint two assistant Secretaries of this Convention.

On motion of Mr. Farmer,

The resolution was laid on the table.

Mr. Leach offered the following resolution:

Resolved, That Seymour Foster is hereby appointed Post-master of this Convention, and that he receive for his services a compensation of three dollars per day.

Mr. P. D. Warner offered the following as a substitute for the foregoing resolution, which was not adopted:

Resolved, That George W. Spalding, of Oakland, be and he is hereby appointed Postmaster to the Convention, at a compensation of three dollars per day.

The question recurring on the adoption of the original resolution,

Mr. Thompson moved to amend by striking out the word "three," and inserting in lieu thereof the words "two and a half;"

Which motion did not prevail.

The resolution was then adopted.

Mr. P. D. Warner offered the following resolution, which was adopted:

Resolved, That the rules of the House of Representatives be adopted for the government of the Convention, so far as the same are applicable, until otherwise ordered.

Mr. Birney offered the following resolution, which was adopted:

Resolved, That a committee consisting of one from each judicial district be appointed by the President of the Convention, to report as to the best mode of proceeding as to the revision of the Constitution of the State.

The President appointed as such committee, Messrs. Birney, Withey, Bills, McClelland, Sutherland, Parsons, Giddings, Luce, Mussey, Leach, Burtenshaw, Willard, Chapman, Norris and Holt.

Mr. Pringle offered the following resolution, which was adopted:

Resolved, That it be referred to a special committee of seven, to ascertain and report the number of reporters who will be needed to secure verbatim reports of all the proceedings of this Convention, the compensation they will require, and the probable expense of printing 1000 copies of the report daily, for the use of the Convention, and that such committee be also instructed to recommend the manner in which reporters

shall be employed and the names of one or more suitable persons to be employed for that purpose.

The President appointed as such committee, Messrs. Pringle, Pratt, Longyear, Morton, Richmond, Aldrich and Divine.

Mr. Turner offered the following resolution, which was adopted:

Resolved, That the Secretary of State be instructed to cause to be published in one pamphlet, two hundred copies of the Constitutions of 1835 and 1850, with the amendments thereto, for the use of the Convention.

Mr. Walker offered the following resolution:

Resolved, That the President of the Convention be authorized to appoint five messengers.

Mr. P. D. Warner moved to amend the resolution by striking out the word "five," and inserting in lieu, the word "six," and adding the following words: "and that the President and Secretary shall each be allowed one additional messenger, at

The amendments were agreed to, and the resolution, as a compensation not exceeding two dollars per day." amended, was then adopted.

Mr. Van Valkenburgh offered the following resolution, which was adopted:

Resolved, That a committee of two be appointed to invite the resident clergymen of this city to meet with us alternately, and open our daily sessions with devotional exercises.

Mr. Alexander offered the following resolution:

Resolved, That the daily sessions of the Convention shall commence at 9 o'clock A. M., until otherwise ordered.

Mr. Leach moved to amend the resolution by striking out the word "nine," and inserting in lieu thereof, the word "ten;"

Which motion prevailed.

The resolution, as amended, was then adopted.

Mr. Ferris offered the following resolution, which was adopted:

Resolved, That the State Treasurer be requested to report, at

an early day, to the Convention, the amount, classification and terms of payment of the public debt of the State.

Mr. Ferris also offered the following resolution, which was adopted:

Resolved, That the Commissioner of the State Land Office be requested to report, at an early day, to the Convention, the quantity of unappropriated State lands of the several classes, together with the quantities of swamp lands appropriated and contracted for building roads.

Mr. Ferris also offered the following resolution, which was not adopted:

Resolved, That the Secretary of State be requested to report, at an early day, to the Convention, the number of foreign fire insurance companies doing business in this State, their names, location, capital and the name and address of each resident general agent of such companies.

Mr. Ferris also offered the following resolution, which was adopted:

Resolved, That the Secretary of State be requested to report, at an early day, to the Convention, the name and location of each railroad within the State that has been granted public lands by the United States, together with dates of the organization of such companies, and the quantity of land granted; whether any of them have received extensions of time, and also for what sections of each of said roads such extensions have been given.

Mr. Ferris also offered the following resolution, which was not adopted:

Resolved, That his Excellency, the Governor, be requested to communicate to the Convention such information as may be found in the Executive department, as to the number, names and location of the railroads and plank roads within this State that have been aided by local taxation or municipal bonds, the amount of such aid, and such information generally in that regard, from the Executive department, as may be serviceable to the Convention.

Mr. Van Valkenburg offered the following resolution:

Resolved, That His Excellency, Gov. Crapo, be invited by the President to take a seat within the bar of the Convention, during its sessions.

Mr. Hazen moved to amend the resolution by inserting after the name of the Governor, the words "and other State officers."

Mr. Lamb moved to amend the amendment by adding thereto the words "at their pleasure;"

Which did not prevail.

The question being on the amendment to the resolution, It was not agreed to.

The resolution was then adopted.

Mr. Burtch offered the following:

Whereas, It hath pleased Almighty God, and the good people of the State of Michigan, that this Convention should assemble for the purpose of erecting anew the temple of liberty, that *justice* should be the chief corner-stone, that it should be ornamented with *liberty, equity and humanity*.

Therefore be it resolved by the members of this Convention, That we will be governed by no selfish, party or partisan influence whatever, and that the several committees which shall be selected, shall act in accordance with the foregoing preamble and this resolution.

On motion of Mr. Giddings,

The preamble and resolution were laid on the table.

On motion of Mr. Luce,

The Convention took a recess until 3 o'clock.

AFTERNOON SESSION.

3 o'clock P. M.

The Convention was called to order by the President.

Roll called: a quorum present.

Mr. Turner offered the following resolution, which was adopted:

Resolved, That the Secretary of State be requested to furnish

each delegate in the Convention, a copy of the Manual of the last Legislature.

Mr. Miles offered the following resolution, which was adopted:

Resolved, That the Sergeant-at-Arms of this Convention be authorized to appoint an assistant Sergeant-at-Arms, and one competent person to have charge of the cloak room.

Mr. Willard offered the following resolution, which was adopted:

Resolved, That the President be and he is hereby authorized to appoint two firemen for the service of the Convention, whose compensation shall be at the rate of three dollars per day.

Mr. Williams offered the following resolution, which was adopted:

Resolved, That a committee of five be appointed to prepare rules for the government of the proceedings of this Convention.

Mr. Mussey moved to take from the table the resolution authorizing the Secretary to appoint two assistants;

Which motion prevailed.

Mr. Farmer moved to refer the resolution to a select committee, to consist of five members;

Which was not agreed to.

Mr. Pringle moved to strike out the word "two," and insert in place thereof the word "one;"

Which did not prevail.

The resolution was then adopted.

Mr. Leach offered the following resolution:

Resolved, That the State Printer be instructed to forward, by mail, one copy of the daily journal to each newspaper published in the State, during the session of the Convention.

Mr. Miles moved to amend the resolution by inserting, after the word "State," the words, "and to each county clerk;"

Which motion prevailed.

Mr. Parsons moved to amend the resolution by inserting after the word "journal," the words, "and debates;"

Which motion prevailed.

On motion of Mr. Luce,

The resolution was laid on the table.

Mr. Warner offered the following resolution:

Resolved, That one thousand copies of the proceedings of this Convention be published each day, for the use of the Convention.

On motion of Mr. Parsons,

The resolution was laid on the table.

Mr. T. G. Smith offered the following resolution:

Resolved, That the Sergeant-at-Arms be directed to furnish the members of this Convention with such stationery as they may require during its sessions.

On motion of Mr. Luce,

The resolution was laid on the table.

On motion of Mr. Thompson,

The vote by which the Convention adopted the resolution directing the Secretary of State to cause copies of the Constitutions of 1835 and 1850 to be printed, was reconsidered.

The question recurring on the adoption of the resolution,

Mr. Thompson moved to amend by striking out all except so much as relates to the Constitution of 1835.

On motion of Mr. Hazen,

The resolution was laid on the table.

Mr. Morton offered the following resolution:

Resolved, That the Secretary procure for the members of this Convention the present Constitution of the State in bill form, and that the Convention then go into committee of the whole on the same, and consider it section by section until it is fully reconstructed and made a new constitution, to be submitted to the people.

On motion of Mr. Morton,

The resolution was laid on the table.

Mr. Willard offered the following resolution, which was adopted:

Resolved, That 1000 copies of the journal of this days proceedings be printed for the use of the Convention.

On motion of Mr. Turner,

The Convention adjourned.

SECOND DAY.

Lansing, Thursday, May 16, 1867.

The Convention was called to order by the President, at 10 o'clock A. M.

Prayer by Rev. Mr. Hickox.

Roll called: a quorum present.

The Secretary proceeded to read the journal.

On motion of Mr. Holt,

The further reading of the journal was dispensed with.

The journal was corrected and approved.

Mr. Sutherland announced that Messrs. Miller, of Saginaw county, and Gulick, of Keweenaw county, members elect of the Convention, were present and ready to qualify, and moved that they be sworn in.

Mr. Holt moved to amend the motion, so as to include all other members present who have not qualified;

Which was accepted, and the motion prevailed.

Messrs. Miller, of Saginaw county, Gulick, of Keweenaw, Winans, of Livingston, and Haire, of Ottawa, presented themselves, qualified, and took their seats.

REPORTS OF SELECT COMMITTEES.

Mr. Birney, from the committee appointed to report on the best mode of proceeding to the revision of the Constitution, submitted the following report:

Your committee, appointed to report as to the best mode of proceeding to the revision of the constitution of the State, recommend the appointment of committees as follows:

A committee of five on Boundaries, Seat of Government, and the Division of the Powers of Government.

A committee of nine on the Legislative department.

A committee of seven on the Executive department.

A committee of thirteen on the Judicial department.

A committee of nine on Elections.

A committee of five on State Officers.

A committee of nine on Salaries.

A committee of nine on Counties.

A committee of five on Townships.

A committee of seven upon Organization and Government of Cities and Villages.

A committee of seven on Impeachments and Removals from Office.

A committee of nine on Education.

A committee of nine on Finance and Taxation.

A committee of nine on Corporations other than Municipal.

A committee of five on Exemptions.

A committee of seven on the Militia.

A committee of five on Miscellaneous Provisions.

A committee of five on Amendment and Review.

A committee of nine on Schedule.

A committee of seven on Arrangement and Phraseology.

A committee of seven on Bill of Rights.

Your committee further recommend the adoption of the following resolution:

Resolved, That so much of the Constitution as relates to the several subjects above named, be referred respectively to the committees appointed in connection therewith, whose duty it shall be to take into consideration the expediency of making any, and if any, what alterations or amendments, and to report thereon.

Your committee further recommend the appointment of additional committees, as follows, viz:

A committee of five on Supplies and Expenditures.

A committee of five on Printing.

On motion of Mr. Longyear,

The report was amended by the addition of a committee on public lands, to consist of seven members.

Mr. Ferris offered the following resolution:

Resolved, That the committee on the mode of procedure, (consisting of one from each judicial district,) be instructed to report, by way of recommendation, the names of the members of standing committee of this Convention.

Mr. Chapin moved to amend the resolution so that a committee of seven be appointed by the Chair, to name the members of the standing committees;

Which did not prevail.

Mr. Ferris asked leave to withdraw his resolution.

On motion of Mr. Lamb,

Leave was granted, and the resolution was withdrawn.

Mr. Van Valkenburgh moved to further amend the report, by adding a committee on the traffic in intoxicating liquors, to consist of five members.

Mr. Luce moved to amend by striking out "five," and inserting "nine," in lieu thereof;

Which was accepted.

Mr. Leach demanded the previous question.

The demand was seconded, and the main question being ordered,

The motion to amend the report by the addition of a committee on the traffic in intoxicating liquors, was agreed to.

The report as amended was adopted.

Mr. Hazen announced that Mr. Conger, a member elect of the Convention from St. Clair county, was present and ready to qualify.

Mr. Luce announced that Mr. Barber, a member elect of the Convention from Branch county, was present and ready to qualify.

Messrs. Conger and Barber presented themselves, qualified, and took their seats.

Mr. Turner moved to take from the table the resolution offered by him yesterday, relative to printing the Constitutions of 1835 and 1850;

Which motion prevailed.

The question being on striking out so much as relates to the Constitution of 1850,

It was agreed to.

Mr. Root moved to strike out so much as relates to the Constitution of 1835;

Which was not agreed to.

The resolution, as amended, was then adopted.

Mr. Pringle offered the following resolution:

Resolved, That the committee on Arrangement and Phraseology be enlarged, and be made to consist of the chairmen of all the other standing committees.

On motion of Mr. Ninde,

The resolution was laid on the table.

Mr. Holt offered the following resolution, which was adopted:

Resolved, That the Sergeant-at-Arms be instructed to ascertain the occupation of the members of this Convention, and report such information at his earliest convenience.

Mr. W. F. Goodwin offered the following resolution, which was not adopted:

Resolved, That a committee of nine on Internal Improvements be added to the original report of the committee.

On motion of Mr. Giddings,

The Secretary was directed to cause a diagram of the Hall of the House to be made, with the names and location of seats of the members, for the convenience of the Convention.

The President announced Messrs. Williams, P. D. Warner, D. Goodwin, Lamb and Utley, as the committee on Rules, in pursuance of a resolution of the Convention.

Messrs. Van Valkenburg and Bradley were appointed by the Chair as the committee to invite the resident Clergymen of Lansing to open the daily sessions of the Convention with religious exercises.

The President announced the following communication:

LANSING, May 15, 1867.

HON. C. M. CROSWELL, *President Constitutional Convention*:

SIR—In pursuance of a resolution passed by the Convention, I have this day appointed as Asst. Sergeant-at-Arms, Capt. Geo. L. Montgomery, Ingham county, and as keeper of the cloak room, H. H. Seaver, of Lenawee county.

D. B. PURINTON,

Sergeant-at-Arms Constitutional Convention.

The President also announced the appointment of W. D. Burnham and Bernhardt Rice, as firemen.

On motion of Mr. Lovell,

The Convention adjourned.

THIRD DAY.

Lansing, Friday, May 17, 1867.

The Convention was called to order by the President at 10 o'clock A. M.

Prayer by Rev. Mr. Weed.

The Secretary proceeded to read the journal.

On motion of Mr. Miles,

The further reading of the journal was dispensed with.

The journal was corrected and approved.

Mr. Pratt announced that Mr. Ingalls, member elect of the Convention, from Marquette county and the counties attached, was present and ready to qualify.

Mr. Mussey announced that Mr. Andrus, a member elect of the Convention, from the county of Macomb, was present and ready to qualify.

Messrs. Ingalls and Andrus presented themselves, qualified and took their seats.

REPORTS OF SELECT COMMITTEES.

The special committee, to whom was referred certain matters relating to the number and compensation of reporters, and the expense of printing 1,000 copies of the report daily, respectfully report that from the best information they can obtain, one or two reporters will probably be able, for some days, to perform these duties, but that three or more will probably be required before the close of the Convention; that the compensation of reporters is largely dependent upon the skill and experience called into requisition; that first class reporters expect and ordinarily receive a compensation equal to the rate of \$5,000 per annum, but that many who are called good reporters are willing to receive smaller sums for their work.

The committee have no certain data by which to predict the length of the daily reports, but for the purpose of an estimate, they have assumed that the average length will be equal to twelve pages, set solid, of the daily journal. The daily expense of composition and press work for 1,000 copies of such an amount of matter would be, according to present contract prices, about \$34 16, and for paper \$20 84 more, or \$55 per diem. Each additional 1,000 copies would cost about \$23. Twelve such pages would make about twenty-six and two-third pages of a book like that containing the debates of the Constitutional Convention of 1850. Thirty working days of such a session would produce a volume of 800 pages; sixty working days, two such volumes.

The committee have received propositions from Wm. Blair Lord, of New York, in behalf of himself, and David W. Brown, of Philadelphia, and from A. and W. H. Drapier, of South Bend, Indiana. Each proposition is to make the report for eighty cents per 1000 ems, printer's measure. The Messrs. Drapier also submit an alternative proposition to furnish the requisite force for ten dollars per day for each reporter. They also propose not to include in their charges, such speeches as members may prepare wholly themselves, if they are notified, so as not to be required to take notes. The committee do not regard the alternative proposition of these gentlemen a safe one to be acted upon, nor do they deem the exception proposed as likely to be any considerable saving of expense to the State.

The expense of the employment of either of these rival applicants would be about \$1,598 40 for their services, if the debates should fill 800 pages of a volume like that published in 1850, or twice that amount for twice the number of pages.

The compensation demanded is large in comparison with the sums usually paid to the officers of Legislative and other public bodies, and the Convention can only, in the opinion of the committee, be justified in paying it, on the ground that the proper performance of the work requires a high degree of professional skill.

Messrs. Lord and Brown are experienced reporters, who have for several years been employed in the House of Representatives at Washington, as reporters for the Congressional Globe. Mr. Lord had been previously employed in the Senate, the Kansas Investigating Committee of 1856, the Iowa Constitutional Convention of 1857, the Maryland Constitutional Convention of 1864, and in many other places demanding the exercise of the highest skill in his profession. Mr. Brown was, before his employment at Washington, for some years an official reporter in the Pennsylvania Legislature. Mr. Lord is vouched for in the most satisfactory manner by the entire delegation from Michigan in the 38th and 39th Congress and by other well known citizens who became acquainted with him while in the performance of his duties at Washington. Equally satisfactory recommendations of Mr. Brown are given by such of the same gentlemen as the committee have been able to meet.

The Messrs. Drapier have been employed in several western conventions and other places, and claim to be experienced and first class reporters, but the committee have not had opportunities of examining their work, or of perusing testimonials produced by them.

The committee, in view of all the circumstances, recommend the employment of Messrs. Lord and Brown, by the adoption of the following resolution:

Resolved, That William Blair Lord, of New York, and David Wolfe Brown, of Philadelphia, be appointed and employed as official reporters of this Convention, to make verbatim reports of all its debates and proceedings, they to employ all needful assistance and to supply the printer with copy as fast as he may be able to use it, they also to correct proofs and in all things relating to their report of the debates and proceedings of the Convention to be governed by such rules and orders as the Convention may make, and to receive as full compensation for their services, the sum of eighty cents per thousand ems, for the printed matter, estimated as though set in solid type, contained in the report.

EUGENE PRINGLE, *Chairman*.

The report was accepted and the committee discharged.

The question being on the adoption of the report,

Mr. Stoughton moved to amend the resolution submitted by the committee, by striking out the names of "Wm. Blair Lord" and "David Wolfe Brown," and inserting in lieu thereof the names of "A. and W. H. Drapier;"

Which motion did not prevail.

The question recurring on the adoption of the report of the committee, it was adopted.

By the committee on rules:

Your committee, to whom was referred the subject of preparing rules for the government of this Convention, would respectfully report that they have had the same under consideration, and have directed me to recommend the adoption of the following as the rules of this Convention, and ask to be discharged from the further consideration of the subject.

All of which is respectfully submitted,

W. B. WILLIAMS, *Chairman.*

The report was accepted and the committee discharged.

On motion of Mr. Pringle,

The rules were ordered printed, placed on the general order, and referred to the committee of the whole.

By the committee on invitation of clergy:

The committee appointed to invite the resident Pastors of this city to open our daily sessions with devotional exercises, respectfully report that they have performed the duty assigned them, and have obtained a favorable response. The Pastors of the city will be happy to comply with the request of the Convention, and perform the duties desired of them.

JACOB VAN VALKENBURGH,

MILTON BRADLEY.

On motion of Mr. Giddings,

The report was accepted and adopted, and the committee discharged.

COMMUNICATIONS FROM STATE OFFICERS.

The President announced the following:

STATE DEPARTMENT MICHIGAN, SECRETARY'S OFFICE, }
Lansing, May 16th, 1867. }

Hon. CHARLES M. CROSWELL, *President of the Constitutional Convention:*

SIR: In response to the resolution of the Convention, adopted yesterday, requiring the Secretary of State to report the name and location of each railroad in the State, to which public lands have been granted, &c., I have the honor to transmit the accompanying report, which embraces all the information this department is able to furnish in regard to the subject matter of the resolution.

Very respectfully.

O. L. SPAULDING,

Secretary of State.

On motion of Mr. Pringle,

The report was laid on the table and ordered printed in the journal.

The report is as follows:

LIST of Railroads to which lands have been granted by acts of Congress, date of their incorporation, and the number of acres of land granted to each, also the time to which said grants have been extended by Congress.

| NAME. | Incorporated. | Amount of Land Granted. | | Time extended by act of Congress to |
|-------------------------------------|--------------------|-------------------------|---------|-------------------------------------|
| | | Acres. | 100ths. | |
| Amboy, Lansing and Traverse Bay, | January 29, 1857. | 662,035.42 | | June 3, 1878. |
| Bay de Noquet and Marquette,..... | December 27, 1856. | 194,811.59 | | June 3, 1871. |
| Chicago, St. Paul and Fon du Lac,.. | ..... | 254,575.61 |  | ..... |
| Detroit and Milwaukee,.... | ..... | 30,303.05 |  | ..... |
| Flint and Pere Marquette,..... | January 27, 1857. | 445,682.22 | | June 3, 1871. |
| Grand Rapids and Indiana,..... | July 30, 1857. | 659,144.73½ | | June 3, 1874. |
| Marquette and Ontonagon,..... | January 2, 1853. | 222,497.72 | | June 3, 1871. |
| Port Huron and Milwaukee,..... | December 6, 1855. | 6,423.68 |  | ..... |

LIST of Railroads whose lines intersect, and number of acres of land granted to them jointly.

| NAMES. | AREA. | |
|--|------------|--------|
| | Acres. | 100hs. |
| Amboy, Lansing and Traverse Bay, and Flint and Pere Marquette,.... | 52,515.98 | |
| Amboy, Lansing and Traverse Bay, and Port Huron and Milwaukee,..... | 80.06 | |
| Amboy Lansing and Traverse Bay, and Grand Rapids and Indiana,..... | 60,918.48 | |
| Bay de Noquet and Marquette, and Chicago, St. Paul and Fon du Lac,.... | 20,013.48 | |
| Bay de Noquet and Marquette and Ontonagon,..... | 1,960.00 | |
| Detroit and Marquette, and Amboy, Lansing and Traverse Bay,..... | 1,160.17 | |
| Detroit and Milwaukee, and Grand Rapids and Indiana,..... | 231.25 | |
| Chicago, St. Paul and Fon du Lac, and Marquette and Ontonagon,..... | 110,579.67 | |
| Grand Rapids and Indiana, and Flint and Pere Marquette,..... | 79,104.08 | |
| Bay de Noquet and Marquette, Chicago, St. Paul and Fon du Lac, and Marquette and Ontonagon,..... | 24,626.02 | |

The President also announced the following:

STATE TREASURER'S OFFICE, }
Lansing, May 17, 1867. }

Hon. CHARLES M. CROSWELL, *President of the Constitutional Convention:*

DEAR SIR: In response to the following resolution, adopted by the Constitutional Convention on the 15th inst.:

Resolved, That the State Treasurer be requested to report, at an early day, to this Convention, the amount, classification and terms of payment of the public debt of this State,

I would respectfully report, that the funded and fundable State debt is as follows:

| | |
|---|--------------|
| Sault Canal Bonds, 6's, due January 1st, 1879,..... | \$100,000 00 |
| Renewal Loan Bonds, 6's, due " " 1878,..... | 216,000 00 |
| Two Million Loan " 7's, " " " 1868,..... | 207,000 00 |
| " " " " 6's, " " " 1873,..... | 500,000 00 |
| " " " " 6's, " " " 1878,..... | 500,000 00 |
| " " " " 6's, " " " 1883,..... | 750,000 00 |
| War Loan " 7's, " " " 1886,..... | 1,100,500 00 |
| War Bounty " 7's, " May 1st, 1890,..... | 463,000 00 |
| Adjusted Bonds past due,..... | 4,000 00 |

| | |
|--|-----------------------|
| Full paid Five Million Loan past due, | \$12,000 00 |
| War Loan Bond called in January 1st, 1867, | 500 00 |
| 110,000 of unrecognized Five Million Loan Bonds, past due, and adjusted at, | 63,642 70 |
| Total bonded debt, | <u>\$3,916,142 70</u> |

Very respectfully,

H. D. BARTHOLOMEW,

Deputy State Treasurer.

On motion of Mr. Ferris,

The communication was laid on the table, and ordered printed in the journal.

Mr. Leach moved to take from the table the resolution instructing the State Printer to forward by mail a copy of the daily journal to each newspaper published in the State.

The reading being called for, the resolution was read as follows:

Resolved, That the State Printer be instructed to forward by mail, one copy of the daily journal and debates, to each newspaper published in the State, and to each county clerk, during the sessions of the Convention.

Mr. Burtch moved to amend the resolution, by inserting after the word "county," the words, "and township;"

Which motion did not prevail.

The question recurring on the adoption of the resolution,

Mr. Luce offered the following substitute:

Resolved, That the State Printer be instructed to forward by mail, one copy of the daily journal to each of the newspapers published in the State, and to each county clerk, during the sessions of the Convention.

On motion of Mr. Farmer,

The resolution and substitute were laid on the table.

Mr. Longyear offered the following resolution:

Resolved, That the debates and proceedings of the Convention be printed as rapidly as may be, in a form similar to that of the daily journal; that opportunity be afforded by the printing of proof sheets, for corrections by all the members; that

the official reporters take charge of the correction of proofs, and that 1000 copies be printed daily, for the use of the members of the Convention.

Mr. Sutherland offered the following substitute for the resolution:

Resolved, That the State Printer be instructed to print the daily proceedings and debates of this Convention, and to furnish daily 1,000 copies for the use of the members, and forward one additional copy to each newspaper published in this State and to each county clerk.

Mr. Burtch moved that the words "and debates," be stricken out;

Which motion did not prevail.

Mr. T. G. Smith moved to strike out "1,000" and insert in lieu thereof "1,500;"

Which motion was not agreed to.

Mr. Thompson moved to strike out the words "and to each county clerk;"

Which motion did not prevail.

Mr. Stoughton moved to amend the resolution by adding thereto the words, "the Governor and Judges of the Supreme Court;"

Which motion prevailed.

The substitute as amended, was then adopted.

Mr. Turner offered the following resolution:

Resolved, That a committee of five be appointed to recommend to the Convention the form and manner in which the proceedings and debates shall be published.

On motion of Mr. Birney,

The resolution was referred to the committee on printing.

Mr. Pringle offered the following resolution, which was adopted:

Resolved, That the sum of thirty dollars be allowed to Messrs. A. & W. H. Drapier, for their expenses and volunteer services as reporters of the debates and proceedings of this Convention.

Mr. Longyear offered the following resolution, which was adopted:

Resolved, That the use of Representative Hall be granted to the Young Men's Society of Lansing, for the delivery of a lecture by Hon. Schuyler Colfax, on the evening of the fifth of June next.

Mr. T. G. Smith offered the following resolution, which was adopted:

Resolved, That the Postmaster appointed by this Convention be directed to procure from the post-office in this city, at the expense of the State, postage stamps, and stamp all documents mailed by the members of this Convention; and that each member endorse his name on the envelope, or outside of all such documents.

Mr. Longyear offered the following resolution:

Resolved, That when this Convention adjourns this day, it be to Monday next, at eleven o'clock in the forenoon;

Mr. Howard moved to amend the resolution by striking out the word "Monday," and inserting in lieu, the word "Tuesday."

Mr. Farmer moved to amend the amendment by striking out the word "Tuesday," and inserting the word "Saturday."

Mr. Alexander moved that the resolution and amendments be laid on the table;

Which motion did not prevail.

The amendment to the amendment was not agreed to.

The question recurring on the amendment, it did not prevail.

The resolution was then adopted.

Mr. Birney moved to reconsider the vote by which the resolution relative to postage was adopted;

Which motion did not prevail.

Mr. W. A. Smith offered the following resolution, which was adopted:

Resolved, That the preamble and resolution of the gentleman from Eaton, be taken from the table.

The preamble and resolution offered by Mr. Burtch being before the Convention,

On motion of Mr. Daniells,
They were indefinitely postponed.

Mr. Willard offered the following resolution, which was adopted:

Resolved, That 1,000 copies of the journal of yesterday's proceedings be printed for the use of the Convention.

The President announced the following communication:

LANSING, May 15th, 1867.

HON. CHARLES M. CROSWELL, *President of the Constitutional Convention.*

SIR—In pursuance of a resolution of the Convention, I have appointed as Assistant Secretaries, G. X. M. Collier, of Oakland county, and T. P. Miles, of St. Clair county.

THOS. H. GLENN,
Secretary of the Convention.

On motion of Mr. W. A. Smith,
The Convention adjourned.

FOURTH DAY.

Lansing, Monday, May 20, 1867.

The Convention was called to order by the President at 11 o'clock A. M.

Prayer by Rev. Mr. Armstrong.

Roll called: a quorum present.

Mr. Lawrence asked and obtained leave of absence for Mr. Winans, for an indefinite time, on account of a death in his family.

Mr. Henderson asked and obtained leave of absence for Mr. Holmes, until to-morrow.

Mr. Stockwell asked and obtained leave of absence for Mr. Sawyer, for an indefinite time.

Mr. McClelland asked and obtained leave of absence for Mr. D. Goodwin, for the day.

Mr. Williams asked and obtained leave of absence for Mr. Giddings, for the day.

Mr. Burtenshaw asked and obtained leave of absence for Mr. F. C. Watkins, until to-morrow.

Mr. Van Valkenburgh asked and obtained leave of absence for Mr. McConnell, until to-morrow.

Mr. T. G. Smith asked and obtained leave of absence for Messrs. Howard, Turner and Huston, until to-morrow.

Mr. Blackman asked and obtained leave of absence for Mr. Duncombe, until to-morrow.

The Secretary proceeded to read the journal.

On motion of Mr. Lovell,

The reading of the journal was dispensed with until otherwise ordered.

PRESENTATION OF PETITIONS.

By Mr. Conger: petition of F. C. Langer and of 243 other citizens of Marine city, St. Clair county, praying for a license system and the repeal of the prohibitory clause in the Constitution.

Referred to the committee on intoxicating liquors.

By Mr. Pringle: petition of John S. Osborne, Rev. John Dunham, R. R. Tinglet, C. Angevine and thirty others, legal voters of the township of Rives, Jackson county, praying that section 47, article 4, of the present Constitution be, in principle at least, retained in the new instrument.

Referred to the committee on intoxicating liquors.

MOTIONS AND RESOLUTIONS.

Mr. Henderson offered the following resolution:

Resolved, That the word *document* in resolution passed by this Convention on the 17th inst., relative to postage, shall be construed to mean the *journals* and *debates* of the Convention and that no other mail matter shall be deemed within the scope of the resolution.

Mr. Morton offered the following substitute for the resolution:

Resolved, That the resolution heretofore adopted, requiring the Postmaster of the Convention to pay postage on all docu-

ments and journals sent by members, be and the same is hereby rescinded.

On motion of Mr. Henderson,

The substitute was laid upon the table.

Mr. P. D. Warner offered the following resolution, which was adopted:

Resolved, That the use of Representative Hall, for this evening, be tendered to Rev. J. Russell, for the purpose of speaking upon the subject of Temperance.

Mr. McClelland offered the following resolution, which was adopted:

Resolved, That the Secretary of State be requested to report to this Convention, the number of votes cast for and against each amendment to the present Constitution, and the highest number of votes cast otherwise at such election, when such amendment was passed upon by the electors of the State.

Mr. Norris offered the following resolution, which was not adopted:

Resolved, That the Editors of the daily and weekly press of this State, and such citizens as have access to a local paper, and as may desire so to do, are hereby invited by this Convention to present their views as to the changes they deem essential or expedient in the present Constitution.

Among other matters they are invited to a discussion of the following propositions:

1. Shall the seat of Government be changed?
2. Shall the numbers of the Senators and Representatives be increased? Shall they be elected by single districts? Shall a moiety of the Senate be elected at every alternate election?
3. Shall there be annual sessions of the Legislature?
4. Shall the veto power be restrained?
5. The compensation of members of the Legislature.
6. Shall the system of the New York Court of Appeals be adopted?
7. Shall County Courts, with limited civil and full Probate jurisdiction, be created?

8. Shall the powers and duties of Circuit Court Commissioners be conferred upon these county judges, if created?

9. Shall the Judiciary be elective or appointive—their term of office?

10. What disposition shall be made of the Suffrage question—as to colored persons, minors and females?

11. Shall the Auditor General's office be abolished and its duties conferred on County Treasurers?

12. Shall the duties of Land Commissioner be entrusted to the State Treasurer?

13. How liberal shall be the salaries of the State, executive and judicial offices?

14. Shall the Board of Supervisors be replaced by County Commissioners?

15. Shall County Clerks be appointed by the Circuit Judges?

16. Shall the present Constitution be amended as to banks and banking and exemptions?

17. Shall the Board of Regents be appointive or elective, and would it be well to have such Board consist of nine members, three elected at a time, and no elector to vote for more than two?

18. As to prohibition or license of the sale of ardent spirits—is any more stringent provision needed? Shall this question be submitted as a separate clause to the popular vote?

19. Shall the amended Constitution be submitted at a special election, or at the spring election of 1868?

20. Shall the Governor and the State officers have a seat in either House, with a right of debating and proposing any measures they may think expedient?

Mr. Pringle offered the following resolution:

Resolved, That when this Convention shall adjourn on Friday the 24th day of May, instant, it be until the first Wednesday of December next, at 11 o'clock in the forenoon, at this place, and that the several standing committees be at liberty to meet at such times and places as they may agree during

the recess, but not to charge the State with more than ten day's service of any member on any committee, of which he may be a member.

On motion of Mr. Bradley,

The resolution was laid upon the table.

On motion of Mr. Conger,

The Convention took a recess until 3 o'clock.

AFTERNOON SESSION.

3 o'clock P. M.

The Convention was called to order by the President.

Roll called: a quorum present.

Mr. Pringle offered the following resolution, which was adopted:

Resolved, That the official reporters of this Convention be allowed the same books, papers and documents that are allowed to members; and that they be supplied with such stationery as they may need in the discharge of their official duties.

The President announced the following

STANDING COMMITTEES OF THE CONVENTION.

Boundaries, Seat of Government, and the Division of the Powers of Government—Messrs. Lamb, Longyear, F. C. Watkins, Shearer, Leach.

Legislative Department—Messrs. Conger, Pringle, Parsons, Luce, P. Dean Warner, D. Goodwin, Morton, M. C. Watkins, Tyler.

Executive Department—Messrs. Birney, Mussey, Van Valkenburgh, McClelland, Crocker, Lamb, Brown.

Judicial Department—Messrs. Withey, Turner, Giddings, Williams, Divine, Pratt, Lothrop, Sutherland, Norris, Holt, Lovell, Van Riper, Gulick.

Elections—Messrs. Van Valkenburgh, Ferris, T. G. Smith, Burtenshaw, Farmer, Holmes, Yeomans, Crocker, Jennison.

State Officers—Messrs. P. Dean Warner, Stoughton, Ingalls, Germain, Chapman.

Salaries—Messrs. Mussey, Woodhouse, Winsor, Brown, Holmes, Duncan, Musgrave, Desnoyer, McKernan.

Counties—Messrs. Luce, Divine, Henderson, Stockwell, Miles, White, M. C. Watkins, Hixson, Lawrence.

Townships—Messrs. T. G. Smith, Walker, Burtch, Sheldon, W. A. Smith.

Cities and Villages—Messrs. Miles, Holt, Miller, Wright, Walker, W. E. Warner, Henkel.

Education—Messrs. Willard, Lothrop, Miller, Chapin, Bradley, Thompson, Hull, W. F. Goodwin, Richmond.

Finance and Taxation—Messrs. Leach, Bills, McConnell, McClelland, Richmond, Alexander, Musgrave, Henderson, Woodhouse.

Corporations other than Municipal—Messrs. Pringle, Barber, Hazen, Duncan, Sawyer, Aldrich, Alexander, W. E. Warner, Rafter.

Impeachment—Messrs. Blackman, Harris, Howard, Murray, W. F. Goodwin, Sawyer, Purcell.

Exemptions—Messrs. Coolidge, Daniels, Lovell, Haire, Rafter

Militia—Messrs. Stoughton, Huston, McConnell, Kenney Andrus, Conger, Winans.

Miscellaneous Provisions—Messrs. Williams, Farmer, Barber, Withey, McKernan.

Amendments and Revisions—Messrs. Giddings, Chapin, Huston, Elliott, Jennison.

Schedule—Messrs. Turner, Harris, Wright, Burtenshaw, Utley, Case, Bradley, Norris, Desnoyer.

Arrangement and Phaseology—Messrs. Ninde, Birney, Coolidge, Blackman, Sutherland, Willard, Daniels.

Bill of Rights—Messrs. Pratt, Duncombe, Kenney, Van Riper, Andrews, Burtch, Purcell.

Public Lands—Messrs. Longyear, Hazen, Winsor, Utley, Stockwell, White, Corbin.

Intoxicating Liquors—Messrs. Bills, Howard, Parsons, Ferris, Ninde, Root, D. Goodwin, Gulick, F. C. Watkins.

Supplies—Messrs. Aldrich, Case, Root, Haire, Henkel.

Printing—Messrs. Hull, Ingalls, Morton, Esstee, Thompson.

IN COMMITTEE OF THE WHOLE.

On motion of Mr. Birney,

The Convention went into Committee of the Whole, on the report of the Committee on Rules,

Mr. Birney in the Chair.

The Rules were read *seriatim* by the Secretary.

On motion of Mr. Mussey,

Rule 16 was amended by adding thereto the words "except Chairmen of Committees upon matters reported by them."

Mr. Holt moved to amend Rule 13 by striking out the word "lay," in the second clause, and inserting in lieu thereof the word "lie;"

Which motion did not prevail.

Mr. Miles moved to amend Rule 21, by striking out the word "they," in the first line, and inserting in lieu the word "it;"

Which motion did not prevail.

On motion of Mr. McClelland,

The following was added to Rule 23: "The Convention may at any time, by a vote of the majority of the members present, provide for the discharge of the Committee of the Whole from the further consideration of any subject referred to it, after acting without debate, on all amendments pending and that may be offered."

On motion of Mr. Williams,

Rule 25 was amended by adding thereto the following: "and if decided in the affirmative, the Chairman shall report the action of the committee either upon the article or section or sections had under consideration, as the committee of the whole shall direct."

On motion of Mr. Holt,

Rule 26 was amended by striking out all after the word "question," in the 2d line, and inserting in lieu thereof the following: "when a blank is to be filled and different sums or

times shall be proposed, the question shall be first taken on the largest sum or the longest time."

On motion of Mr. Leach,

Rule 28 was amended by striking out the words, "be at liberty to," in the first line.

On motion of Mr. Willard,

Rule 31 was amended by striking out the word "the," where it first occurs, in the first line, and inserting in lieu thereof the article "a."

On motion of Mr. Wright,

Rule 31 was further amended by inserting after the word "or" in the 4th line the article "an."

On motion of Mr. Longyear,

Rule 31 was further amended by striking out the words "are to," in the third line, and inserting in lieu the word "may."

On motion of Mr. Thompson,

Rule 31 was further amended by striking out the word "excuse," in the 4th line, and inserting in lieu the word "one."

Mr. Burtch moved to further amend rule 31 by striking out so much as relates to taking absentees into custody by the Sergeant-at-Arms;

Which motion did not prevail.

On motion of Mr. Leach,

Rule 32 was amended by striking out the words "and in which," in line 2, and inserting in lieu the word "when."

Mr. Farmer moved to amend rule 33 by striking out the word "ten," and inserting the word "five;"

Which motion did not prevail.

Mr. Lovell moved to amend the rule by striking out the word "ten," and inserting the word "twenty" in lieu thereof;

Which motion did not prevail.

Mr. Thompson offered the following substitute for Rule 33, which was adopted:

"The yeas and nays shall be taken upon any question whenever demanded by ten members."

On motion of Mr. Farmer,

Rule 34 was amended by adding thereto the words "from day to day."

On motion of Mr. Conger,

Rule 36 was amended by adding thereto the words "in whole or by its title as the Convention shall direct."

On motion of Mr. P. D. Warner,

Rule 36 was further amended by adding thereto the words "and every article reported upon by a committee shall be referred to the committee of the whole, placed on the general order and printed."

Mr. Van Riper moved to amend Rule 37 by adding thereto the following:

"Every article when read a third time, and before its passage, shall be referred for arrangement and phraseology, to the appropriate committee, reported back to the Convention and put upon its final passage."

Mr. Pringle offered the following amendment for the Rule and amendment:

"Every article, after having passed the committee of the whole, shall be referred for arrangement and phraseology to the committee for that purpose; and after having been read a third time and passed, shall be referred to the same committee for arrangement only."

The amendment of Mr. Van Riper was withdrawn.

Mr. Longyear offered the following substitute for the amendment offered by Mr. Pringle:

"When an article has been read a third time, it shall, before being put upon its final passage, be referred to the committee on arrangement and phraseology, and when reported back by that committee, the article shall be open to amendment as to arrangement and phraseology only."

Mr. Norris moved that the committee rise, report progress, and ask leave to sit again;

Which motion prevailed.

The chairman of the committee submitted the following report:

The committee of the whole have had under consideration the report of the committee on Rules, have made some progress therein, but not having gone through therewith, have directed me to report that fact to the Convention, and ask leave to sit again.

JAMES BIRNEY, *Chairman.*

On motion of Mr. Birney,

Leave was granted the committee to sit again.

Mr. Utley offered the following resolution, which was adopted:

Resolved, That the Secretary procure for the use of this Convention, two hundred extra copies of the Convention Journal of the 15th and 16th of this month.

On motion of Mr. Holt,

The Convention adjourned.

FIFTH DAY.

Lansing, Tuesday, May 21, 1867.

The Convention was called to order by the President at 10 o'clock A. M.

Prayer by the Rev. Mr. Banwell.

Roll called: a quorum present.

The journal of yesterday was corrected and approved.

Mr. McClelland announced that Mr. Lothrop, a member elect of the Convention from the county of Wayne, was present and ready to qualify.

Mr. Birney announced that Mr. Estee, member elect of the Convention from the county of Midland and the counties attached, was present and ready to qualify.

Messrs. Lothrop and Estee presented themselves, qualified and took their seats.

Mr. P. D. Warner asked and obtained leave of absence for Mr. Kenney, on account of sickness, for an indefinite time.

Mr. Brown asked and obtained leave of absence for Mr. Barber until Thursday next.

Mr. Pringle asked and obtained leave of absence for himself, for to-day and to-morrow.

Mr. Blackman asked and obtained leave of absence for Mr. Duncombe, until to-morrow.

Mr. Turner asked and obtained leave of absence for Mr. Gulick, for an indefinite time.

PRESENTATION OF PETITIONS.

By Mr. Ferris: petition of Benj. A. Harlan and 37 others, of Kent county, praying that Sec. 47, of Art. 4, of the present Constitution, relative to intoxicating liquors, be retained in principle, in the new instrument;

By the same: petition of A. B. Cheney and 20 others, of Kent county, upon the same subject;

By the same: petition of Joseph Blake and 20 others, of Kent county, upon the same subject;

By the same: petition of Theodore G. Howe and 46 others, of Kent county, upon the same subject;

By the same: petition of L. F. Chase and 15 others, of Kent county, upon the same subject.

The petitions were referred to the committee on intoxicating liquors.

By Mr. Lamb: petition of John W. Doy and 13 others, of Lapeer county, upon the same subject.

The petition was referred to the committee on intoxicating liquors.

By Mr. Pringle: petition of W. W. Landon and 39 others, legal voters of Parma, Jackson county, on the same subject;

By the same: petition of L. M. Jones and 60 others, of Brooklyn, Jackson county, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. Howard: petition of Emanuel Bodmer and 30 other legal voters of Michigan, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. F. C. Watkins: petition of Tobias Miller and 50 others, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. Turner: petition of W. J. Mosely and 12 other citizens of Shiawassee county, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. Harris: petition of L. Woodman, James McCormic, and others, legal voters of the town of Avon, Oakland county, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. Parsons: petition of T. C. Garner, R. B. Wyles, James M. Goodell and 32 others, residents of Corunna, Shiawassee county, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. Mussey: petition of Richard H. Rodgers and 41 other citizens of St. Clair county, on the same subject;

By the same: petition of William P. Russell and 10 others, of the village of Memphis, St. Clair county, on the same subject;

By the same: petition of Joseph Mott, John Huffman, O. F. Newcomer and 45 others, of the village of Memphis, St. Clair county, on the same subject.

The petitions were referred to the committee on intoxicating liquors.

By Mr. Birney: petition of M. S. Wells and 52 others, of Portsmouth, Bay county, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. Aldrich: petition of Wm. Gates, Hulda H. Gates Warren C. Kingsley, E. E. Kingsley and 100 others, citizens of the township of Mason, Cass county, praying for equal suffrage for men and women.

Referred to the committee on elections.

By Mr. Daniels: petition of George W. Kenny and 34 others, on the same subject.

Referred to the committee on elections.

By the same: petition of Horace Wixon and 53 others, on the same subject.

Referred to the committee on elections.

By Mr. Shearer: petition of B. Durfee and 17 others, asking that Sec. 47, Art. 4, of the present Constitution, be retained in the new;

By the same: petition of Wm. Walker and 20 others, on the same subject;

By the same: petition of H. Higgins and 24 others, on the same subject.

The petitions were referred to the committee on intoxicating liquors.

By Mr. Woodhouse: petition of John H. Foster and 43 others, of Dansville, Ingham county, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. P. Dean Warner: petition of Benjamin Brown, James D. Bateman, Capt. J. H. Woodman, James B. Tuttle and 62 others, of Commerce, Oakland county, on the same subject.

Referred to the committee on intoxicating liquors.

MOTIONS AND RESOLUTIONS.

Mr. Ingalls offered the following resolution:

Resolved, That the standing committees appointed by the President of this Convention, be requested to report on the various matters submitted to them, within forty-eight hours, if within their power so to do.

On motion of P. Dean Warner,

The resolution was laid on the table.

Mr. Pratt offered the following resolution, which was adopted:

Resolved, That the Librarian be requested to suspend in the Hall, during the session of the Convention, one of the largest and latest maps of Michigan.

Mr. Ferris offered the following resolution, which was adopted:

Resolved, That the communication from the State Treasurer, relative to the public debt, be taken from the table and referred to the committee on finance and taxation.

Mr. Ferris offered the following resolution, which was adopted:

Resolved, That the communication from the Secretary of State relative to railroads to which lands have been granted, be taken from the table and referred to the committee on corporations other than municipal.

Mr. McClelland offered the following resolution, which was adopted:

Resolved, That the committee on the legislative department inquire into the expediency of electing Senators for at least double the time of members of the House, and that they be so classified as to require the election of one-half at every general election.

Mr. McClelland offered the following resolution, which was adopted:

Resolved, That the committee on State officers inquire into the expediency of giving to the Governor the power of appointing, by and with the advice and consent of the Senate, all the State officers.

Mr. McClelland offered the following resolution, which was adopted:

Resolved, That the committee on the judicial department be instructed to inquire into the expediency of granting to the Governor the power of appointing, by and with the advice and consent of the Senate, the judges of the higher courts of the State.

Mr. McClelland offered the following resolution, which was adopted:

Resolved, That the committee on the judicial department be instructed to inquire into the propriety of having an odd number of judges in the highest branch of the judiciary, instead of an equal number, as required by the present Constitution.

Mr. McClelland offered the following resolution, which was adopted:

Resolved, That the committee on the legislative department inquire into the expediency of providing for the speedy publi-

cation, in at least one newspaper in each judicial district, of all laws that may be ordered by the Legislature to take immediate effect.

Mr. Ferris offered the following resolution, which was adopted:

Resolved, That the committee on bill of rights, be instructed to inquire as to the expediency of inserting a clause to the following effect, viz:

All power of human government is inherent in the people. Officers of constitutional government are agents; and they possess no powers which are not expressly granted. All other powers are reserved to the people.

Mr. Turner offered the following resolution, which was adopted:

Resolved, That the Auditor General be requested to communicate to the Convention the average number of clerks, that have been employed in his office during the years 1864, 1865 and 1866, (including his deputy,) and the total amount paid them annually for their services, including the amount paid them for extra work; also the amount paid in each of said years, for books, blanks and stationery; also the amount paid janitors or porters, and all other expenses incident to his office during each of said years.

Mr. Holt offered the following resolution:

Resolved, That the President be authorized to appoint an additional messenger boy for the reporters of this Convention.

Mr. Ninde moved to amend the resolution by authorizing the President to assign to the reporters one of the messengers already appointed.

On motion of Mr. Leach,

The resolution was indefinitely postponed.

Mr. Aldrich offered the following resolution:

Resolved, That the Secretary procure two hundred printed copies of the list of the standing committees for the use of the Convention.

Mr. P. D. Warner moved to amend the resolution by striking out "200" and inserting "500" in lieu thereof.

Which motion did not prevail;

The resolution was then adopted.

Mr. Stoughton offered the following resolution, which was adopted:

Resolved, That the State Librarian be requested, during the sitting of this Convention, to retain in the library rooms at least one copy of all books and documents properly belonging thereto, except when required for reference during the debates of this Convention.

Mr. Ingalls offered the following resolution, which was not adopted.

Whereas, The substantial work of this Convention cannot be reached until some of the various committees have reported to this Convention; therefore,

Resolved, That all committees be requested to use all the diligence compatible with a proper examination of the subjects committed to their consideration, to furnish this Convention with their reports at an early day, with a view to bring the substantial work of the Convention before it with as little delay as may be.

Mr. Henderson moved to take from the table, the substitute for the resolution offered by him yesterday, relative to postage;

Which motion prevailed.

The reading of the resolution and substitute being called for, they were read by the Secretary, as follows:

Resolved, That the word *document* in the resolution passed by this Convention on the 17th inst., relative to postage, shall be construed to mean the *journals and debates* of the Convention, and that no other mail matter shall be deemed within the scope of the resolution.

Resolved, That the resolution heretofore adopted, requiring the Postmaster of the Convention to pay postage on all docu-

ments and journals sent by members, be and the same is hereby rescinded.

Mr. Henderson demanded the previous question.

The demand being seconded,

Mr. P. D. Warner called for the yeas and nays;

The call being seconded, the substitute was not adopted, the following being the vote thereon:

YEAS.

| | | |
|--------------|------------|---------------|
| Mr. Aldrich, | Mr. Hazen, | Mr. Root, |
| Alexander, | Ingalls, | Sheldon, |
| Andrus, | Leach, | Stoughton, |
| Bills, | Lothrop, | Tyler, |
| Blackman, | Luce, | Van Riper, |
| Brown, | Miles, | Walker, |
| Coolidge, | Miller, | P. D. Warner, |
| Corbin, | Morton, | Willard, |
| Elliott, | Murray, | Williams, |
| Estee, | Mussey, | Yeomans, |
| Farmer, | Rafter, | President, 32 |

NAYS.

| | | |
|----------------|----------------|-----------------|
| Mr. Birney, | Mr. Henderson, | Mr. Richmond, |
| Bradley, | Hixson, | Shearer, |
| Burtenshaw, | Holmes, | T. G. Smith, |
| Case, | Holt, | W. A. Smith, |
| Chapin, | Howard, | Stockwell, |
| Chapman, | Huston, | Sutherland, |
| Conger, | Lamb, | Thompson, |
| Crocker, | Lawrence, | Turner, |
| Daniells, | Longyear, | Utley, |
| Desnoyer, | Lovell, | Van Valkenburg, |
| Divine, | McClelland, | W. E. Warner, |
| Duncan, | McConnell, | M. C. Watkins, |
| Ferris, | Musgrave, | F. C. Watkins, |
| Germain, | Ninde, | White, |
| D. Goodwin, | Norris, | Woodhouse, |
| W. F. Goodwin, | Parsons, | Wright, |
| Harris, | Pratt, | 50 |

The question recurring on the original resolution, it was adopted.

Mr. Walker offered the following resolution:

Resolved, That this Convention will take a recess from half-

past 12 o'clock till 3 o'clock, each day, except Saturday, till further ordered.

On motion of Mr. Alexander,

The resolution was laid on the table.

Mr. Lovell offered the following resolution, which was adopted:

Resolved, That the committee on elections be instructed to inquire into the propriety of extending the privileges of the elective franchise to all citizens of this State over 21 years of age, who have not been convicted of crime.

The President announced the appointment of the following messengers, pursuant to a resolution of the Convention:

Claude Martin, Chauncey Wright, George Seymour, Willie Elder, Cyrus Utley, Freddie Smith, Charles Avery.

Secretary's messenger—Willie Porter.

On motion of Mr. Mussey,

The Convention took a recess until 3 o'clock.

AFTERNOON SESSION.

3 o'clock P. M.

The Convention was called to order by the President.

The Convention resumed the order of

MOTIONS AND RESOLUTIONS.

Mr. Howard offered the following resolution, which was adopted:

Resolved, That the committee on executive department be instructed to consider and report to the Convention, the expediency of making provision in the proposed Constitution for the election or appointment of a Board of Commissioners to act with the Governor in hearing and determining applications for the pardon of persons convicted and sentenced for crime.

Mr. Turner offered the following resolution:

Resolved, That the State Librarian be instructed to furnish

each delegate, for his use during the session of the Convention, a copy of Jameson's work on Constitutional Conventions.

Mr. Burtch moved that the resolution be so amended as to refund the price of the work to such members of the Convention as have already purchased a copy;

Which motion did not prevail.

Mr. Burtch moved that the resolution be indefinitely postponed;

Which motion did not prevail.

Mr. Howard moved to amend the resolution so that one copy of the work shall be furnished by the State Librarian to each table, during the sitting of the Convention.

Mr. Farmer offered the following substitute for the resolution and amendments:

Resolved, That the State Librarian be instructed to furnish each delegate a copy of Jameson's work on Constitutional Conventions.

Mr. Thompson called for the yeas and nays;

The call being seconded, the substitute was concurred in, the following being the vote thereon:

YEAS.

| | | |
|--------------|-----------------|-----------------|
| Mr. Aldrich, | Mr. D. Goodwin, | Mr. Miles, |
| Andrus, | Harris, | Murray, |
| Bills, | Hazen, | Mussey, |
| Bradley, | Henderson, | Musgrave, |
| Burtenshaw, | Hixson, | Parsons, |
| Case, | Holmes, | Sheldon, |
| Chapin, | Holt, | T. G. Smith, |
| Chapman, | Howard, | Stockwell, |
| Conger, | Huston, | Sutherland, |
| Crocker, | Ingalls, | Turner, |
| Daniells, | Lamb, | Utley, |
| Divine, | Lawrence, | Van Valkenburg, |
| Elliott, | Leach, | W. E. Warner, |
| Estee, | Longyear, | F. C. Watkins, |
| Farmer, | Lovell, | Woodhouse, |
| Ferris, | McConnell, | Wright, |
| Germain, | | |

NAYS.

| | | |
|----------------|--------------|----------------|
| Mr. Alexander, | Mr. Luce, | Mr. Stoughton, |
| Birney, | McClelland, | Thompson, |
| Blackman, | Miller, | Tyler, |
| Brown, | Morton, | Van Riper, |
| Burtch, | Ninde, | Walker, |
| Coolidge, | Norris, | P. D. Warner, |
| Corbin, | Pratt, | M. C. Watkins, |
| Densnoyer, | Rafter, | White, |
| Duncan, | Richmond, | Willard, |
| Duncombe, | Root, | Williams, |
| W. F. Goodwin, | Shearer, | Yeomans, |
| Lothrop, | W. A. Smith, | President, 36 |

The question recurring on the adoption of the resolution as amended by the substitute,

Mr. Thompson called for the yeas and nays;

The call being seconded, the resolution was adopted, the following being the vote thereon:

YEAS.

| | | |
|-------------|-------------|----------------|
| Mr. Andrus, | Mr. Harris, | Mr. Miles, |
| Bills, | Hazen, | Murray, |
| Burtenshaw, | Henderson, | Mussey, |
| Case, | Hixson, | Musgrave, |
| Chapin, | Holmes, | Parsons, |
| Chapman, | Holt, | Sheldon, |
| Conger, | Howard, | T. G. Smith, |
| Crocker, | Huston, | Stockwell, |
| Daniells, | Ingalls, | Turner, |
| Divine, | Lamb, | Utley, |
| Elliott, | Eawrence, | Van Valkenburg |
| Estee, | Longyear, | F. C. Watkins, |
| Farmer, | Lovell, | Woodhouse, |
| Ferris, | McConnell, | Wright, |
| Germain, | | 43 |

NAYS.

| | | |
|--------------|-------------|----------------|
| Mr. Aldrich, | Mr. Leach, | Mr. Stoughton, |
| Alexander, | Lothrop, | Sutherland, |
| Birney, | Luce, | Thompson, |
| Blackman, | McClelland, | Tyler, |
| Bradley, | Miller, | Van Riper, |
| Brown, | Morton, | Walker, |
| Burtch, | Ninde, | P. D. Warner, |
| Coolidge, | Norris, | W. E. Warner, |

Corbin,
Desnoyer,
Duncan,
Duncombe,
W. F. Goodwin,
D. Goodwin,

Pratt,
Rafter,
Richmond,
Root,
Shearer,
W. A. Smith,

M. C. Watkins,
White,
Willard,
Williams,
Yeomans,
President, 42

On motion of Mr. Ferris,

The committee on corporations other than municipal was discharged from the further consideration of the communication of the Secretary of State, relative to lands granted to railroads, and the same was referred to the committee on public lands.

Mr. Chapin offered the following resolution, which was adopted:

Resolved, That the committee on elections be instructed to inquire and report as to the propriety of changing the time of holding the annual township meetings or elections, from the first Monday of April to the first Monday of February, of each year.

IN COMMITTEE OF THE WHOLE.

On motion of Mr. Aldrich,

The Convention went into committee of the whole, on the report of the committee on rules,

Mr. Birney in the chair.

The Convention resumed the consideration of the amendments offered and pending to rule 37.

The question being on the amendment of Mr. Longyear, it was withdrawn.

The question recurring on the amendment of Mr. Pringle,

Mr. Williams offered the following substitute therefor, which was adopted:

Rule 37. When an article shall have reached the order of third reading, it shall be referred to the committee on arrangement and phraseology, for arrangement, correction and engrossment, before it shall be placed upon its final passage.

The question being on the adoption of the rule as amended by the substitute,

It was adopted.

Mr. Williams offered the following, to stand as Rule 38, which was adopted.

Rule 38. The several articles, after their final passage, shall be referred to the committee on arrangement and phraseology for numerical arrangement, in their appropriate order, and shall be reported back to the Convention for its final action upon the Constitution as an entirety.

On motion of Mr. Blackman,

Rule 33 was amended by adding thereto the following:

"And when so demanded on any question, every member present within the bar, shall vote for or against the same, unless the Convention shall excuse him."

On motion of Mr. Lovell,

Rule 3 was amended so as to make the 4th order of business, "Communications from State Officers," and that the orders now standing as 4th, 5th, 6th, 7th and 8th, shall be numbered 5th, 6th, 7th, 8th and 9th, respectively.

Mr. Mussey moved that rule 24 be stricken out;

Which motion did not prevail.

Mr. Leach moved to amend rule 35, by striking out all after the word "direct," in the fourth line.

Mr. Willard moved to amend the amendment by striking out the word "elect," at the end of the rule, and inserting in lieu thereof the words "present and without a vote of two-fifths of all the members elect."

The amendment to the amendment was not agreed to.

The question recurring on the amendment, it did not prevail.

On motion of Mr. Thompson,

Rule 12 was amended by striking out the word "but," where it first occurs in the second line, and inserting in lieu thereof the words "such motion."

Mr. Root moved to amend rule 27 by striking out the word

"three," in the first line, and inserting in lieu the word "ten."

Mr. Holt moved to amend the amendment by striking out the word "ten," and inserting the word "one."

Mr. T. G. Smith moved that the committee rise, report the rules and amendments back to the Convention, asking concurrence therein, and recommending the adoption of the rules as amended by the committee;

Which motion prevailed.

IN CONVENTION.

The committee through the chairman submitted the following report:

The committee of the whole have had under consideration the report of the committee on rules, have made the following amendments thereto, and have directed their chairman to report the same back to the Convention, asking concurrence therein, and recommend that the rules, as amended, be adopted:

By adding to Rule 10 the following words: "except chairmen of committees upon matters reported by them."

Also, by adding at the end of Rule 23, the following: "The Convention may at any time by a vote of the majority of the members present, provide for the discharge of the committee of the whole from the further consideration of any subject referred to it, after acting without debate on all amendments pending, and that may be offered."

Also, by adding to Rule 25 the following: "And if decided in the affirmative, the chairman shall report the action of the committee either upon the article or section or sections had under consideration, as the committee of the whole shall direct."

Also, by striking out all after the word "questions" in the second line of Rule 26, and inserting in lieu the following: "When a blank is to be filled and different sums or times shall be proposed, the question shall be first taken on the largest sum or the longest time."

Also, by striking out the the words "at liberty to," in line one, of rule 28.

Also, by striking out the words "are to," and inserting in lieu thereof the word "may," in line three, of rule 31.

Also, by substituting "a" for "the," in the first line, and inserting "an" after "or," in the fourth line.

Also, by striking out the word "excuse," in line four, of rule 31, and inserting in lieu thereof the word "one."

Also, by striking out the words "and in which," in line two, of rule 32, and inserting in lieu the word "when."

Also, by substituting the following for rule 33: "The yeas, and nays shall be taken upon any question whenever demanded by ten members."

Also, by adding at the end of rule 34, the words "from day to day."

Also, by adding to rule 36, the following words: "in whole or by its title, as the Convention shall direct, and every article reported upon by a committee, shall be referred to the committee of the whole, placed on the general order, and printed."

Also, by substituting the following for Rule 37:

Rule 37. When an article shall have reached the order of third reading, it shall be referred to the committee on Arrangement and Phraseology for arrangement, correction and engrossment, before it shall be placed upon its final passage.

Also, by adding the following to stand as Rule 38:

Rule 38. The several articles, after their final passage, shall be referred to the committee on Arrangement and Phraseology for numerical arrangement, in their appropriate order, and shall be reported back to the Convention, for its final action upon the Constitution as an entirety.

Also, by adding to Rule 33 the following:

"And when so demanded on any question, every member within the bar shall vote for or against the same, unless the Convention shall excuse him."

Also, by amending Rule 3 so as to make the 4th order of business, "Communications from State Officers," and that the

orders now standing as 4th, 5th, 6th, 7th and 8th, shall be numbered 5th, 6th, 7th, 8th, and 9th, respectively.

Also, by striking out the word "but," in rule 12, and inserting in lieu the words "such motion."

JAMES BIRNEY, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. P. D. Warner,

The Convention concurred *in gross*, in the amendments made by the committee.

Mr. T. G. Smith moved that the Rules be engrossed, ordered printed, and placed on the order of third reading.

Mr. Williams moved to amend the motion by striking out so much as relates to printing;

Which motion prevailed.

On motion of Mr. Lovell,

The rules were referred to the committee on arrangement and phraseology.

On motion of Mr. Sutherland,

The resolution offered on the 17th inst., by Mr. Longyear, as amended by the substitute of Mr. Sutherland, relative to printing the debates and proceedings of the Convention, was adopted which resolution, as amended, is in the following words:

Resolved, That the State printer be instructed to print the daily proceedings and debates of this Convention, and to furnish daily 1000 copies for the use of the members, and forward one additional copy to each newspaper published in this State and to each county clerk, and also to the Governor and Judges of the Supreme Court.

Mr. Goodwin offered the following resolution, which was adopted:

Resolved, That the State printer be instructed to furnish one copy of the daily proceedings and debates of this Convention, printed by him, to each of the circuit judges of the State, not members of the Convention, and one copy to the United States

district judge for the Eastern district of Michigan, and also to each of the State officers.

On motion of Mr. Norris,
The Convention adjourned.

SIXTH DAY.

Lansing, Wednesday, May 22, 1867.

The Convention was called to order by the President, at 10 o'clock A. M.

Prayer by the Rev. Mr. Bradley.

Roll called: a quorum present.

The journal of yesterday was corrected and approved.

Mr. Harris asked and obtained leave of absence for Mr. Ingalls for the day.

PRESENTATION OF PETITIONS.

By Mr. Aldrich: petition of A. I. Graham, L. M. Graham and 52 others of Cassapolis, Cass county, praying for equal suffrage for both men and women.

Referred to the committee on elections.

By Mr. Longyear: memorial of Lodge No. 361, of the Independent Order of Good Templars, of the village of Okemos, Ingham county, praying for the retention of the clause in the State Constitution, prohibiting the sale of intoxicating liquors.

Referred to the committee on intoxicating liquors.

By Mr. Blackman: petition of E. A. Smith, T. D. Ward, N. H. Bitely and 42 other legal voters of the townships of Antwerp and Porter, in Van Buren county, on the same subject.

Referred to the committee on intoxicating liquors.

By the same: petition of L. Painter and 46 other men and 45 women, citizens of Breedsville, Van Buren county, praying for suffrage upon equal terms to men and women.

Referred to the committee on elections.

By Mr. Alexander: petition of Hiram Brown, W. S. Maynard and 62 other legal voters of Berrien county, praying that sec-

tion 47, article 4, of the present Constitution, be engrafted in the new instrument.

Referred to the committee on intoxicating liquors.

By the same: petition of Alexander Delafield, Robert Moore and 205 other residents of Berrien county, Michigan, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. Pratt: petition of Adma Thompson and 35 others, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. Germain: petition of A. McLane and 30 others, legal voters of the township of Lyons, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. Stockwell: petition of J. H. Canbors, J. J. Dean and 15 others, citizens of Fairfield, Lenawee county, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. Richmond: petition of T. P. Ballard, Jas. Sherman, C. M. Hurlbut, J. Webster Childs and 13 others, of Augusta, Washtenaw county, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. Van Valkenburgh: petition of John Worthing, A. Rust and 25 others, citizens of Southfield and Bloomfield, Oakland county, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. McConnell: petition of Elmer E. Husted, John Campbell, Henry Horton and 40 others, citizens of Groveland, Oakland county, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. Bradley: petition from Chas. E. Hodgman and 14 others, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. Sheldon: petition of A. W. Price, praying that persons convicted of murder may not be pardoned from the State prison without a vote of two-thirds of the members of the Leg-

islature, and that provision may be made for the taxation of dogs.

So much of the petition as relates to the pardon of persons convicted of murder, was referred to the committee on executive department.

So much as relates to the taxation of dogs, was referred to the committee on finance and taxation.

By Mr. Corbin: petition of Elroy M. Avery, Danl. Noble, H. M. Noble and 91 others, asking the Convention to retain section 47, article 4, of the present Constitution in the new one.

Referred to the committee on intoxicating liquors.

By Mr. Coolidge: petition of John L. Marvin, Harrison Branch and 106 others, of Berrien county, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. T. G. Smith: petition of A. H. Miller, M. Birdsall and 40 other legal voters of Fenton, Genesee county, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. Divine: petition of William Sweet and 11 other citizens of Bridgehampton, Sanilac county, on the same subject.

Referred to the committee on intoxicating liquors.

By the same: petition of J. John Erskine and 16 other citizens of the township of Buel, Sanilac county, on the same subject.

Referred to the committee on intoxicating liquors.

By the same: petition of S. W. Viets and 34 other citizens of the township of Forester, Sanilac county, on the same subject.

Referred to the committee on intoxicating liquors.

By the same: petition of Dennis Shell and 17 others, of the township of Speaker, Sanilac county, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. Conger: memorial of Gen. Benj. C. Cox, of St. Clair county, in favor of the sale of pure liquors, and making the sale of drugged and adulterated liquors a felony.

Referred to the committee on intoxicating liquors.

By Mr. Burtch: petition of Albert S. Clark, D. Jones, T. L. Blake and others, legal voters of Clinton and Eaton counties, asking that Sec. 47, Art. 4, of the present Constitution, be retained in the new instrument.

Referred to the committee on intoxicating liquors.

By Mr. M. C. Watkins: petition of C. E. Koon and 40 others, citizens of Kent and Ottawa counties, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. Wright: petition of S. Wright, John E. Davis and 17 others, legal voters of Woodman, Barry county, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. Haire: petition of E. R. Ford and 16 other citizens of Ottawa county, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. Conger: memorial of Gen. B. C. Cox, on the powers of towns and cities in work of internal improvements.

Referred to the committee on cities and villages.

REPORTS OF STANDING COMMITTEES.

By the committee on arrangement and phraseology:

The committee on arrangement and phraseology, to whom were referred the Rules for the Convention, respectfully report that they have made some corrections of the phraseology, and have directed their chairman to report the Rules as follows, in which they respectfully ask the concurrence of the Convention, and pray to be discharged from the further consideration of the same.

T. NINDE, *Chairman.*

Report accepted and the committee discharged.

On motion of Mr. Williams,

The Convention concurred *in gross*, in the amendments made by the committee.

Mr. Birney moved that the Rules as reported and amended be adopted and printed in the journal.

Mr. Morton moved to strike out Rule 24;

Which motion did not prevail.

Mr. Blackman moved to amend Rule 35, by striking out all after the word "direct," in the 4th line;

Which motion did not prevail.

The motion of Mr. Birney then prevailed.

The rules are as follows:

RULES OF THE CONVENTION.

RULE 1.—The President shall take the Chair at the time to which the Convention stands adjourned, and call it to order; and thereupon the roll of the members shall be called by the Secretary.

RULE 2.—Upon the appearance of a quorum, the Journal of the preceding day shall be read by the Secretary, unless otherwise ordered, and any mistake therein corrected.

RULE 3.—After the reading of the Journal of the preceding day, the order of business shall be as follows:

1. Presentation of Petitions.
2. Reports of Standing Committees.
3. Reports of Select Committees.
4. Communications from State Officers.
5. Motions and Resolutions.
6. Third reading of Articles.
7. Unfinished Business.
8. Special Orders of the day.
9. General Orders of the day.

RULE 4.—The President shall preserve order and decorum, and shall decide questions of order, subject to an appeal to the Convention.

RULE 5.—The President shall vote upon all questions taken by yeas and nays, except on appeals from his own decisions, in which case he shall not vote.

RULE 6.—The President may leave the Chair and appoint a member to preside, but not for a longer time than one day, except by leave of the Convention.

RULE 7.—When the Convention adjourns, the members shall keep their seats until the President announces the adjournment.

RULE 8.—Every member, previous to his speaking, shall rise from his seat and address himself to the President.

RULE 9.—When two or more members rise at once, the President shall designate the member who is first to speak.

RULE 10.—No member shall speak more than twice on the same question, nor more than once until every member who chooses to speak shall have spoken. This Rule shall not apply to chairmen of committees speaking on matters reported by them.

RULE 11.—Every motion shall be reduced to writing if required by the President or any member, and shall be stated by the President before debate. All resolutions and motions in writing shall be endorsed by the member introducing the same.

RULE 12.—After a motion has been stated by the President, it shall be deemed to be in the possession of the Convention. Such motion may be withdrawn at any time before decision or amendment, but may be renewed by any other member.

RULE 13.—When a question shall be under debate, no motion shall be received but the following, to wit:

1. To adjourn;
2. To lay on the table;
3. For the previous question;
4. To postpone to a day certain;
5. To commit;
6. To amend;
7. To postpone indefinitely;

Which several motions shall have precedence in the order in which they stand arranged.

RULE 14.—A motion to adjourn shall always be in order; this, and the motion to lay on the table, shall be decided without debate.

RULE 15.—The previous question shall be in this form: "Shall the main question be now put?" And if demanded by a majority of the members elect, its effect shall be to put an end to all debate, and bring the Convention to a direct vote

upon amendments, if any are pending, and then upon the main question, which shall be the section or article under consideration, as the Convention may direct.

RULE 16.—All incidental questions of order, arising after a motion is made for the previous question, during the pendency of such motion, or after the Convention shall have determined that the main question shall now be put, shall be decided, whether on appeal or otherwise, without debate.

RULE 17.—Petitions, memorials, and other papers addressed to the Convention, shall be presented by the President or a member in his place, with a brief statement of the contents, and the name of the member presenting the same endorsed thereon.

RULE 18.—When the President is putting the question, no member shall walk out of or across the house; nor when a member is speaking, shall any person entertain any private discourse, or pass between him and the Chair.

RULE 19.—If the question in debate contain several propositions, any member may have the same divided.

RULE 20.—A member called to order by the Chair, shall immediately take his seat unless permitted to explain, and the Convention, if appealed to, shall decide the case. If there be no appeal, the decision of the Chair shall be submitted to. On an appeal, no member shall speak more than once without leave of the Convention, and when a member is called to order for offensive language, there shall be no debate.

RULE 21.—When the Convention shall have reached the general orders of the day, they shall go into committee of the whole upon such orders, or a particular order designated by a vote of the Convention; and no other business shall be in order until the whole are considered or passed, or the committee rise; and unless a particular subject is ordered up, the committee of the whole shall consider, act upon, or pass the general orders according to the order of their reference. In forming a committee of the whole, the President shall appoint a chairman to preside.

RULE 22.—Propositions committed to the committee of the whole shall first be read through by the Secretary, and then read and debated by clauses. All amendments shall be entered on a separate paper, and so reported to the Convention by the Chairman, standing in his place.

RULE 23.—The rules of the Convention shall be observed in committee of the whole, so far as they may be applicable, except that the yeas and nays shall not be called, nor the previous question enforced. The Convention may at any time, by a vote of the majority of the members present, provide for the discharge of the committee of the whole from the further consideration of any subject referred to it, after acting without debate on all amendments pending, and that may be offered.

RULE 24.—A journal of the proceedings in committee of the whole shall be kept as in Convention.

RULE 25.—A motion that the committee rise shall always be in order, and shall be decided without debate, and if decided in the affirmative, the Chairman shall report the action of the committee, either upon the article or section or sections had under consideration, as the committee of the whole shall direct.

RULE 26.—All questions, whether in committee or in the Convention, shall be put in the order they were moved, except in the case of privileged questions. Where a blank is to be filled and different sums or times shall be proposed, the question shall be first taken on the largest sum or the longest time.

RULE 27.—No motion for reconsideration shall be in order, unless within three days after the decision proposed to be reconsidered, took place. A motion for reconsideration being put and lost, (except in case of privileged motions,) shall not be renewed on the same day.

RULE 28.—Any member having voted with the majority, may move a reconsideration; and a motion for reconsideration shall be decided by a majority of votes.

RULE 29.—All orders, resolutions and motions, shall be en-

tered on the Journals of the Convention, with the name of the member moving the same.

RULE 30.—No rule of the Convention shall be suspended, altered or amended, without the concurrence of two-thirds of the members present.

RULE 31.—Upon a call of the Convention, the names of the members shall be called by the Secretary, and the absentees noted; but no excuse shall be made until the Convention shall be fully called over; then the absentees shall be called the second time, and if still absent, excuses may be heard, and if no sufficient excuse be made, the absentees may, by order of those present, if there be fifteen members present, be taken into custody wherever found by the Sergeant-at-Arms.

RULE 32.—The rules of parliamentary practice comprised in Jefferson's Manual shall govern the Convention in all cases to which they are applicable, and when they are not inconsistent with the standing rules and orders of this Convention.

RULE 33.—The yeas and nays shall be taken upon any question, whenever demanded by ten members, and when so demanded on any question, every member within the bar shall vote for or against the same, unless the Convention shall excuse him.

RULE 34.—A majority of the members elected shall constitute a quorum for the transaction of business, but a less number may adjourn from day to day.

RULE 35.—Every article shall receive three several readings, previous to its being passed; and the second and third readings shall be on different days, and the third reading shall be on a day subsequent to that in which it has passed a committee of the whole, unless the Convention, by a vote of two-thirds of the members present, shall otherwise direct; and no article shall be declared adopted without the votes of a majority of all the members elect.

RULE 36.—No article shall be committed or amended, until it has been twice read in whole or by its title, as the Convention shall direct; and every article reported upon by a com-

mittee, shall be referred to the committee of the whole, placed on the general order, and printed.

RULE 37.—When an article shall have reached the order of third reading, it shall be referred to the committee on Arrangement and Phraseology, for arrangement, correction and engrossment, before it shall be placed upon its final passage.

RULE 38.—The several articles, after their final passage, shall be referred to the committee on Arrangement and Phraseology for numerical arrangement, in their appropriate order, and shall be reported back to the Convention for its final action upon the Constitution as an entirety.

By the committee on printing:

The committee on printing, to whom was referred the resolution to recommend the form and manner in which the proceedings and debates shall be published, report in favor of the form of the debates published in book form in the *Congressional Globe*, and recommend the adoption of the same.

E. G. MORTON, *Acting Chairman*.

Report accepted and committee discharged.

On motion of Mr. Longyear,

The report of the committee was adopted.

MOTIONS AND RESOLUTIONS.

Mr. Shearer offered the following resolution, which was adopted:

Resolved, That the committee on the judicial department be instructed to inquire into the propriety of giving the city authorities, and supervisors of the cities and counties of this State, the powers of legislation over all municipal regulations, under proper restrictions.

Mr. Musgrave offered the following resolution, which was adopted:

Resolved, That the committee on the legislative department be requested to inquire into the expediency of amending the Constitution so as to require annual sessions of the Legislature.

Mr. Pratt offered the following resolution, which was adopted:

Resolved, That the committee on finance be instructed to

inquire into and report upon the expediency of abolishing all specific taxes, and adopting a uniform mode of taxation.

Mr. Pratt offered the following resolution, which was adopted:

Resolved, That the committee on corporations be instructed to inquire into and report upon the expediency of appointing a board of railroad commissioners, whose duty it shall be (among other things,) to protect the public against illegal and unequal rates of fare and freight, charged by railroad companies, and to secure the running of mail trains so as to accommodate the public.

Mr. Pratt offered the following resolution, which was adopted:

Resolved, That the committee on corporations be instructed to inquire into and report whether the Convention have the power to authorize the Legislature to amend or repeal charters granted by them.

Mr. W. A. Smith offered the following resolution, which was adopted:

Resolved, That the committee on counties be instructed to inquire into the expediency of providing for an appeal from the decisions of the Board of Auditors, of the county of Wayne.

Mr. Uley offered the following resolution, which was adopted:

Resolved, That the committee on public lands be instructed to inquire into the propriety of incorporating into the Constitution a provision, forever prohibiting the Governor or Legislature of this State from accepting or receiving from the General Government any grant of public lands for any purpose whatever, unless the grant be absolute in its terms, and shall convey to the State such title as shall authorize the State to immediately select, sell and convey the same to individual purchasers, holding the proceeds of such sale, instead of the lands, in trust for the purposes determined by the grant.

Mr. Morton offered the following resolution:

Resolved, That ——— copies of the reports of the proceedings and debates of this Convention be printed and bound in book form, for the use of the State.

Mr. M. C. Watkins moved that the blank be filled with "500."

Mr. Farmer moved to fill the blank with "1,000."

Mr. Giddings moved that the resolution and amendments be referred to the committee on printing;

The motion to refer was withdrawn.

Mr. Stoughton moved to fill the blank with "1,500."

Mr. Daniells demanded the previous question.

The demand being sustained and the main question ordered,

The motion to fill the blank with "1,500," was not agreed to.

The question recurring on the motion to fill the blank with "1,000," it was agreed to.

The resolution was then adopted.

Mr. Huston offered the following resolution, which was adopted:

Resolved, That the committee on the judicial department be instructed to consider and report upon the expediency of providing in the proposed Constitution for the appointment by the Legislature of this State, at its first session following the ratification of such Constitution, of commissioners to revise, simplify and abridge the practice, pleadings and proceedings in the courts of record of this State, and as far as practicable and expedient, to abolish all distinct forms of action at law, and to establish a uniform mode of proceeding, without reference to any distinction between law and equity.

Mr. Ferris offered the following resolution, which was adopted:

Resolved, That the committee on public lands be instructed to inquire as to the expediency of devoting the public lands belonging to the State, to the exclusive use of actual settlers, in quantities sufficient merely for homesteads.

Mr. Ferris offered the following resolution, which was adopted:

Resolved, That the committee on the legislative department be instructed to inquire into the expediency of inserting in the Constitution a section to the following effect, namely:

The Legislature shall not authorize any county, township, city or village, by vote of its citizens, or otherwise, to become a stockholder in any joint stock company, corporation or association whatever or to raise money for, or loan its credit to, or in aid of, any such company, corporation or association.

Mr. W. E. Warner offered the following resolution, which was not adopted:

Resolved, That the committee on the legislative department be directed to inquire into the expediency of reporting a clause establishing eight hours as a lawful day's work, except in cases wherein parties shall otherwise specially agree.

Mr. Thompson offered the following resolution, which was adopted:

Resolved, That the committee on townships be instructed to inquire into and report upon the propriety of abolishing the office of highway commissioner, and transferring the duties of said commissioners to the supervisor, the township clerk and the justice of the peace having the shortest time to serve.

Mr. Miles offered the following resolution:

Resolved, That the postmaster of this Convention be instructed to keep an account of the amount of postage paid by him for each individual member of the Convention during its session, and that he furnish the Board of State Auditors with a copy of such account immediately after the final adjournment of the Convention.

Mr. Parsons moved that the resolution be laid upon the table.

Mr. Blackman called for the yeas and nays.

The call being seconded, the motion to lay on the table did not prevail, the following being the vote thereon:

YEAS.

Mr. Aldrich,
Bills,
Birney,
Burtch,

Mr. Harris,
Henderson,
Hixson,
Huston,

Mr. Rafter,
Root,
Sawyer,
T. G. Smith,

| | | |
|-------------|------------|----------------|
| Burtenshaw, | Lawrence, | W. A. Smith, |
| Case, | Leach, | Stockwell, |
| Chapin, | Lovell, | Sutherland, |
| Chapman, | McConnell, | Thompson, |
| Conger, | Murray, | Turner, |
| Daniells, | Mussey, | Utley, |
| Desnoyers, | Ninde, | Van Valkenburg |
| Duncan, | Norris, | W. E. Warner, |
| Elliott, | Parsons, | Winans, |
| D. Goodwin, | Pratt, | Wright, 42 |

NAYS.

| | | |
|----------------|-------------|----------------|
| Mr. Alexander, | Mr. Haire, | Mr. Shearer, |
| Andrus, | Hazen, | Sheldon, |
| Blackman, | Holmes, | Stoughton, |
| Bradley, | Holt, | Tyler, |
| Brown, | Howard, | Van Riper, |
| Coolidge, | Lamb, | Walker, |
| Corbin, | Longyear, | P. D. Warner, |
| Crocker, | Lothrop, | M. C. Watkins, |
| Divine, | Luce, | F. C. Watkins, |
| Duncombe, | McClelland, | White, |
| Estee, | Miles, | Willard, |
| Farmer, | Miller, | Williams, |
| Ferris, | Morton, | Woodhouse, |
| Germain, | Musgrave, | Yeomans, |
| Giddings, | Pringle, | President, |
| W. F. Goodwin, | Richmond, | 47 |

Mr. Lovell moved that the Convention adjourn;

Which motiod did not prevail.

The question recurring on the adoption of the resolution,

Mr. Morton offered the following substitute therefor:

Resolved, That the amount of postage allowed to members of the Convention, requiring the Postmaster to pay postage, be limited to five dollars each.

The substitute was not adopted.

The question recurring on the adoption of the original resolution, it was not adopted.

Mr. Leach moved to reconsider the vote by which the resolution was not adopted, and that the motion to reconsider be indefinitely postponed.

The motion to indefinitely postpone the motion to reconsider was agreed to.

On motion of Mr. Burtch,

The Convention adjourned.

SEVENTH DAY.

Lansing, Thursday, May 23, 1867.

The Convention was called to order by the President at 10 o'clock A. M.

Prayer by the Rev. Mr. Banwell.

Absent without leave, Mr. Ingalls.

Mr. Van Valkenburgh asked and obtained leave of absence for Mr. Ingalls, for an indefinite time, on account of sickness.

Mr. W. E. Warner announced that Messrs. Purcell and Henkel, members elect of the Convention from the county of Wayne, were present and ready to qualify.

Messrs. Purcell and Henkel presented themselves, qualified and took their seats.

PRESENTATION OF PETITIONS.

By Mr. Holt: petition of William Sprigg and 84 others, residents of Whitehall, Muskegon county, praying for the retention of section 47, article 4, in the new Constitution.

Referred to the committee on intoxicating liquors.

By Mr. Giddings: petition of A. G. Towers, Allison Kinney, and 20 other men and women of Kalamazoo county, praying for such amendment to the Constitution as will secure the right of suffrage, upon equal terms, to both men and women;

By the same: petition of Lewis Johnson and 18 others, men and women, of Kalamazoo county, on the same subject;

By the same: petition of George W. Winslow and others, citizens of Kalamazoo county, on the same subject.

Referred to the committee on election.

By Mr. Bradley: petition of Chas. Anderson Js. B. Palmer, Horace M. Peck and 95 others, citizens of Kalamazoo county, praying that Article 4, Section 47, of the present Constitution, be retained in the revised instrument.

Referred to the committee on intoxicating liquors.

By Mr. Willard: petition of J. H. Monroe, Chas. Scoon, A. Foster, John Godsmark and 57 others, citizens of Bedford, Calhoun county, asking that the right of suffrage may be secured, upon equal terms, to men and women;

By the same: petition of Wm. W. Lobdell, John Hale, Wm. Ford, Chas. Austin and 30 others, citizens of Bedford, Calhoun county, on the same subject.

Referred to the committee on election.

By Mr. Duncan: petition of Jonas Allen and 180 others, citizens of Schoolcraft, Kalamazoo county, praying that no alteration be made in the Constitution in regard to licensing the sale of intoxicating liquors.

Referred to the committee on intoxicating liquors.

By Mr. Duncombe: petition of Herrick Hodges, O. A. Abbott, C. T. R. Bellows and 40 others, of the town of Decatur, Van Buren county, legal voters of said town on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. P. D. Warner: petition of M. A. White, Oliver P. Hazard, Nathan Power, and 17 other legal voters of Farmington, Oakland county, on the same subject.

Referred to the committee on intoxicating liquors.

By the President: memorial of the General Association of the Congregational Churches of Michigan, praying that the elective franchise may be extended to all citizens of the State, of suitable age and exempt from criminal disqualification; and against license of the traffic in intoxicating liquors.

So much of the memorial as relates to the elective franchise was referred to the committee on elections.

So much as relates to traffic in intoxicating liquors was referred to the committee on intoxicating liquors.

On motion of Mr. Leach,

The memorial was ordered printed in the journal.

The memorial is as follows:

To the President and Members of the Constitutional Convention of Michigan, in session at Lansing:

The General Association of Michigan, in session at Kalamazoo, May, 1867, would introduce itself to your honorable body, as being an association of over one hundred and fifty Congregational Churches, numbering some nine thousand members and one hundred and forty ministers of the gospel; and speaking in behalf of such a constituency, would respectfully memorialize your honorable body as follows:

First—On Suffrage: We hold as among our deepest convictions, founded upon absolute justice, that all the citizens of our commonwealth, of suitable age, and exempt from criminal disqualification, should, on the simple ground of manhood, be entitled to the elective franchise, and that consequently no discrimination of race or color should appear in the forthcoming Constitution of this State. In this conclusion we firmly believe the public sentiment of the State concurs, and we trust that your honorable body will not fail to establish this even handed justice.

Secondly—Against license of the traffic in intoxicating liquors: We rejoice that the present Constitution of this State forbids such license.

The laws of our State forbidding such traffic, bring offenders before a magistracy so liable to be swayed by surrounding influences, as to make conviction difficult if not impossible, rather than before a higher and independent court. We therefore conceive that the benefits of prohibition have not been fully tested, and ask that the present constitutional provision in this matter be continued rather than a license system adopted, which, while it may restrain some, will give a dangerous respectability to the traffic. Great as is the traffic in this trade, no success in the business can countervail the damage likely to come by licensing it. Against this damage, the communities of our State have a right, through the action of your honorable body, to defend themselves.

Speaking in behalf our churches, we thus express ourselves, hoping that like views obtain in your Convention.

In behalf of the General Association.

W. P. RUSSELL, *Moderator.*

PHILO R. HURD *Secretary.*

The foregoing memorial was unanimously adopted.

WOLCOTT B. WILLIAMS,

Scribe of the Association

KALAMAZOO, MICH., May 18, 1867.

REPORTS OF STANDING COMMITTEES.

By the committee on boundaries, seat of government, and division of powers of government:

The committee upon boundaries, seat of government, and the division of powers of government, to whom the subject matter of boundaries, seat of government, and the division of powers of government, was referred, ask leave to report that they have had the several subjects referred, under consideration, and have directed me to report the three following named articles, to wit:

1st. On boundaries;

2d. On seat of government;

3d. On division of powers of government;

And ask that the same be printed, and referred to the committee of the whole Convention.

JOHN M. LAMB, *Chairman.*

Report accepted and committee discharged.

The articles were read a first and second time, ordered printed, placed on the general order, and referred to the committee of the whole.

By the committee on miscellaneous provisions:

The committee on miscellaneous provisions, to whom was referred so much of the present Constitution as relates thereto, having under consideration Art. 18, of the Constitution, have directed me to recommend that so much of the subject matter of said article as is contained in section 5, be referred to the

committee on the legislative department; and so much thereof as is contained in sections 7, 8, 9, 10 and 11, be referred to the committee on the bill of rights, and respectfully ask to be discharged from the further consideration of the subjects in said sections contained.

W. B. WILLIAMS, *Chairman.*

Report accepted and committee discharged.

The recommendations of the committee were concurred in.

By the committee on the judicial department:

The committee on the judicial department, having had under consideration Article six (6) of the Constitution, referred to them by the Convention, have instructed me to recommend that the subjects contained in sections 26, 27, 28, 29, 30, 31, 32, 33 and 34, be referred to the committee on bill of rights, and respectfully ask to be discharged from the further consideration thereof.

JOSIAH TURNER, *Acting Chairman.*

Report accepted and committee discharged.

The recommendations of the committee were concurred in.

COMMUNICATIONS FROM STATE OFFICERS.

The President announced the following:

STATE DEPARTMENT, MICHIGAN, SECRETARY'S OFFICE, }
Lansing, May 22, 1867. }

Hon. CHARLES M. CROSWELL, *President Constitutional Convention:*

SIR—I have the honor, in compliance with a resolution adopted by the Convention on the 20th inst., to transmit herewith a statement of the number of votes cast for and against each amendment to the present Constitution, and the highest number of votes cast otherwise at the election, when such amendment was passed upon by the electors of the State.

Very respectfully,

SAMUEL H. ROW,
Deputy Secretary of State.

The statement is as follows:

TABLE showing the Amendments to the present Constitution proposed by the Legislatures of 1859, 1861 and 1865, and adopted by the People at the General Elections of 1860, 1862 and 1866, with the number of votes cast for and against each Amendment; also the highest number of votes cast at such Election, otherwise than for such Amendments.

AMENDMENTS PROPOSED IN 1859 AND ADOPTED IN 1860.

| ARTICLE 15, SECTION 3. | | ART. 4, SECS. 15, 28 AND 33. | | ARTICLE 18, SECTION 2. | |
|---|--|--|---|---|--|
| Amendment as to Banking Corporations—Yes. | Amendment as to Banking Corporations—No. | Amendment as to Legislative Session—Yes. | Amendment as to Legislative Session—No. | Amendment to Section Two, Article Eighteen. | No Amendment to Section Two, Article Eighteen. |
| 59,954 | 15,477 | 53,152 | 13,246 | 62,963 | 8,054 |
| Total, | 75,431 | 71,398 | | 70,990 | |

The highest number of votes cast at the election of 1860, otherwise than for the above amendments, was 155,089. (For Sec. of State.)

AMENDMENTS PROPOSED IN 1861, AND ADOPTED IN 1862.

| ART. 12, SEC. 8. | | ART. 15, SECS. 1, 2 AND 4. | | ART. 13, SEC. 6. | | ART. 19, SEC. 6. | | ART. 20, SEC. 2. | |
|---|---|----------------------------|---------------------------|--|---|---|--|---|--|
| Amendment Relative to Removals from Office—Yes. | Amendments Relative to Removals from Office—No. | Amendment as to Banks—Yes. | Amendment as to Banks—No. | Amendment as to Regents of University—Yes. | Amendment as to Regents of University—No. | Amendment as to Elections in Upper Peninsula—Yes. | Amendment as to Elections in Upper Peninsula—No. | Amendment as to Amendments of Constitution—Yes. | Amendment as to Amendments of Constitution—No. |
| 3,180 | 1,273 | 5,067 | 1,644 | 4,363 | 1,901 | 5,193 | 1,440 | 4,376 | 1,806 |
| Total, .. | 4,453 | 6,711 | | 6,264 | | 6,633 | | 6,181 | |

The highest number of votes cast at the election of 1862, otherwise than for the above amendments, was 131,092. (For Auditor General.)

AMENDMENT PROPOSED IN 1865 AND ADOPTED IN 1866, ARTICLE 7,
SECTION 1.

| | |
|---|---------------|
| Amendment as to soldiers' voting—Yes, | 86,354 |
| Amendment as to soldiers' voting—No, | 13,094 |
| Total, | <u>99,448</u> |

The highest number of votes cast at the election of 1866, other than for the above amendment, was 164,929. (For Superintendent of Public Instruction.)

On motion of Mr. McClelland,

The communication was referred to the committee on amendments.

Mr. McClelland offered the following resolution, which was adopted:

Resolved, That the committee on the mode of amending and revising the Constitution be instructed to inquire into the expediency of providing that every constitutional amendment submitted by the Legislature, in order to be ratified and approved, shall receive a majority of the highest vote cast at the proper election, instead of a majority merely of the votes cast for and against the amendment.

The President announced the following.

STATE LAND OFFICE, }
Lansing, May 22d, 1867. }

HON. CHARLES M. CROSWELL, *President of the Constitutional Convention*:

SIR—In compliance with a resolution of the Convention of May 16th, I have the honor to report that the quantity of unappropriated and unsold State lands of the several classes is as follows:

| | ACRES. |
|---|------------|
| Primary School, Upper and Lower Peninsula, .. | 367,618.67 |
| University lands, | 1,033.06 |
| Asylum lands, | 1,773.28 |
| Salt Spring lands, | 3,300 |

| | |
|--|--------------|
| Internal improvement,..... | 549.52 |
| State building, all sold. | |
| Normal School, all sold. | |
| Swamp lands now subject to entry,..... | 4,164,914.56 |
| Swamp lands appropriated or reserved on roads and ditches,..... | 450,321.00 |

Several hundred miles of roads have been authorized in both the Upper and Lower Peninsula, for which no selections have been made or contracts let.

Respectfully,

CYRUS HEWITT, *Dep. Com.*

On motion of Mr. Ferris,

The communication was referred to the committee on public lands.

MOTIONS AND RESOLUTIONS.

Mr. W. E. Warner offered the following resolution:

Resolved, That the committee on the legislative department be requested to inquire into and report to the Convention, the propriety of incorporating into the new Constitution a clause establishing eight hours as a legal day's work, except in cases in which parties shall otherwise agree.

Mr. Luce moved to amend the resolution by striking out the words "and report to the Convention."

Mr. W. E. Warner called for the yeas and nays;

The call being seconded the amendment was concurred in, the following being the vote thereon:

YEAS.

| | | |
|--------------|----------------|----------------|
| Mr. Aldrich, | Mr. Estee, | Mr. Root, |
| Alexander, | Farmer, | Sawyer, |
| Andrus, | Ferris, | Stoughton, |
| Bills, | Germain, | Turner, |
| Blackman, | W. F. Goodwin, | Tyler, |
| Bradley, | D. Goodwin, | Van Riper, |
| Brown, | Haire, | Walker, |
| Burtch, | Harris, | P. D. Warner, |
| Case, | Hazen, | M. C. Watkins, |
| Chapman, | Lamb, | White, |
| Coolidge, | Leach, | Willard, |

| | | |
|-----------|------------|------------|
| Conger, | Luce, | Withey, |
| Daniells, | McConnell, | Williams, |
| Divine, | Miller, | Woodhouse, |
| Duncan, | Mussey, | Wright, |
| Duncombe, | Parsons, | Yeomans, |
| Elliott, | | |

49

NAYS.

| | | |
|-----------------|--------------|-----------------|
| Mr. Burtenshaw, | Mr. Lothrop, | Mr. Shearer, |
| Chapin, | Lovell, | Sheldon, |
| Corbin, | McClelland, | T. G. Smith, |
| Crocker, | Morton, | W. A. Smith, |
| Giddings, | Murray, | Stockwell, |
| Henderson, | Musgrave, | Sutherland, |
| Henkel, | Ninde, | Thompson, |
| Hixson, | Norris, | Utiley, |
| Holmes, | Pratt, | Van Valkenburg, |
| Holt, | Pringle, | W. E. Warner, |
| Howard, | Purcell, | F. C. Watkins, |
| Huston, | Rafter, | Winans, |
| Lawrence, | Richmond, | President, |
| Longyear, | | |

40

Mr. Holt moved that Mr. Burtch be excused from voting;
Which motion did not prevail.

Mr. Burtch then voted as recorded.

The resolution as amended, was then adopted.

Mr. Pratt offered the following resolution:

Resolved, That all resolutions directing standing committees to inquire and report upon any matter, be referred to the appropriate committees, by the President, without any further motion, if no objection is made.

Mr. T. G. Smith moved to amend the resolution by striking out the words "and report."

Mr. Giddings demanded the previous question.

The demand being sustained, and the main question ordered,

The amendment of Mr. T. G. Smith was agreed to.

The resolution as amended was then adopted.

Mr. Parsons moved that the Convention adjourn;

Which motion did not prevail.

Mr. Bills offered the following resolution, which was adopted:

Resolved, That the question upon referring any resolution to a committee shall be taken without debate.

Mr. Wilard offered the following resolution:

Resolved, That the committee on elections be instructed to inquire as to the expediency of submitting to the people, at the time of the submission of the Constitution prepared by this Convention, a separate proposition providing for the extension of the right of suffrage to women.

Mr. Howard moved to amend the resolution by inserting after the word "inquire," the words "and report;"

Which motion did not prevail.

The resolution was referred to the committee on elections.

Mr. Willard offered the following resolution:

Resolved, That the committees on finance and taxation, be instructed to inquire as to the expediency of providing in the revised Constitution for the prohibition of any method of taxation, which is not entirely uniform as it regards persons and property.

Referred to the committee on finance and taxation.

Mr. Blackman offered the following resolution:

Resolved, That the committee on education be requested to inquire as to the expediency of providing in the Constitution for a system for free common schools, to be supported by a uniform State tax to be apportioned and distributed in the same manner, that the interest of the Primary School Fund is apportioned and distributed, so that the entire property of the State shall bear the burden of educating all the children in the State.

Referred to the committee on education.

Mr. Germain offered the following resolution:

Resolved, That the committee on townships be instructed to inquire into and report upon the expediency of so amending section 1, of article 11, of the Constitution, that the annual township meeting shall be held on the first Monday in March in each year.

Referred to the committee on elections.

Mr. Alexander offered the following resolution:

Resolved, That the committee on State affairs be requested to inquire into the expediency of providing for the election of Speaker of the House of Representatives by the people.

Referred to the committee on State affairs.

Mr. W. E. Warner offered the following resolution:

Resolved, That the committee on counties be requested to inquire into the expediency of reporting a clause authorizing the board of supervisors in any organized county to provide for building and repairing all bridges by tax upon the taxable property thereof, where the price or sum for such building or repair shall, in any one case, exceed two hundred dollars.

Referred to the committee on counties.

Mr. W. E. Warner offered the following resolution:

Resolved, That the committee on intoxicating liquors be requested to inquire into the propriety of reporting a clause authorizing the granting of license for the sale of ardent spirits, under such restrictions and limitations as shall be prescribed by law.

Referred to the committee on intoxicating liquors.

Mr. Case offered the following resolution:

Resolved, That the committee on education be instructed to inquire into the expediency of incorporating into the new Constitution Sec. 5, of Art. 13, of the present Constitution, relative to primary schools, and whether a regular attendance of pupils in primary schools should not be required by law.

Referred to the committee on education.

Mr. Van Valkenburgh offered the following resolution:

Resolved, That the committee on the legislative department be requested to report a provision to be inserted in the Constitution, authorizing each House of the Legislature to employ a chaplain during their sessions, who shall be entitled to the same per diem allowance as members of their respective bodies.

Mr. Musgrave moved to lay the resolution on the table;

Which motion did not prevail.

Mr. Parsors moved to amend, by striking out the words "be

requested to report," and inserting in lieu thereof the words "inquire into the propriety of reporting."

On motion of Mr. Pringle,

The resolution was referred to the committee on the legislative department.

Mr. Holmes offered the following resolution:

Resolved, That the committee on counties inquire into the expediency of removing all restriction as to the number of townships that may compose an organized county.

Referred to the committees on counties.

Mr. Leach offered the following resolution, which was adopted:

Resolved, That until further orders, resolutions of instruction and inquiry directed to the committees of this Convention shall be in order only on Tuesdays and Fridays of each week.

Mr. Willard offered the following resolution:

Resolved, That the committee on printing be directed to provide that the title of the subject or subjects entertained in the Convention Debates shall be printed at the top of each page, upon which the description in regard to the same may be found.

On motion of Mr. Mussey,

The resolution was referred to the committee on printing.

Mr. Parsons moved to reconsider the vote by which the Convention adopted the resolution designating Tuesdays and Fridays for offering resolutions of instruction and inquiry.

On motion of Mr. Lovell,

The motion to reconsider was laid on the table.

Mr. Henderson offered the following resolution:

Resolved, That the Secretary cause to be printed in convenient form, for the use of members and officers, 150 copies of the rules adopted by the Convention, together with a list of the delegates by counties, and also a list of the standing committees of the Convention.

Pending which,

On motion of Mr. Burtch,

The Convention adjourned.

EIGHTH DAY.

Lansing, Friday, May 24, 1867.

The Convention was called to order by the President at 10 o'clock A. M.

Prayer by Rev. Mr. Armstrong.

Roll called: a quorum present.

Absent without leave, Messrs. Barber, Haire, Hixson, Howard and Wright.

Mr. Elliott asked and obtained leave of absence for Mr. Wright, for an indefinite time.

Mr. Richmond asked and obtained leave of absence for Mr. Hixson, for an indefinite time, on account of sickness.

Mr. McConnell asked and obtained leave of absence for Mr. Howard, for three days.

Mr. Holt asked and obtained leave of absence for Mr. Haire, for an indefinite time

Mr. Pratt asked and obtained leave of absence for himself, until Tuesday next.

PRESENTATION OF PETITIONS.

By Mr. Musgrave: petition of M. Vaughn, M V. Wilson, F. Boughton, and 72 others, citizens of the town of Eaton Rapids, Eaton county, praying for the repeal of the clause in our present Constitution prohibiting the issuing of licenses for the sale of wines and liquors, and in lieu thereof, a well secured license system.

Referred to the committee on intoxicating liquors.

By Mr. Giddings: petition of H. F. Severens, Dwight May, Charles E. Stuart, and 16 others, members of the bar in Kalamazoo, praying for such amendments to the Constitution, as will provide for the appointment of circuit and supreme court judges by the Governor, with the advice and consent of the Senate.

Referred to the committee on judicial department.

By the same: petition of William H. Athey and others, citizens of Kalamazoo county, praying for such amendment to

the Constitution as will secure the right of suffrage upon equal terms, to both men and women.

Referred to the committee on elections.

By Mr. Turner: petition of A. B. Chipman, E. Gould, B. F. Taylor, G. N. Lyon, and 190 other citizens of Owosso, praying that a provision may be inserted in the new Constitution that will secure a safe and well secured system of license for the sale of wines and liquors.

Referred to the committee on intoxicating liquors.

By Mr. McConnell: petition of Erastus Sliff, H. E. Vaughan, H. S. Hurst, and 31 other legal voters of the village of Clarkston, Oakland county, praying that the principle at least, of article 4, section 47, of the present Constitution, be retained in the revised instrument.

Referred to the committee on intoxicating liquors.

By Mr. Blackman: petition of C. D. Van Vechten, and 20 other men and 43 women, citizens of the village of Mattawan, Van Buren county, in favor of suffrage on equal terms, to men and women.

Referred to the committee on elections.

By Mr. Van Valkenburgh: petition of R. A. Parker and 27 others, legal voters of Oakland county, asking that section 47, article 4, of the present Constitution, be retained in the new instrument.

Referred to the committee on intoxicating liquors.

REPORTS OF STANDING COMMITTEES.

By the committee on the judicial department:

The committee on the judicial department, to whom was referred the following resolution, viz:

“Resolved, That the committee on the judicial department be instructed to inquire into the propriety of giving the city authorities, and supervisors of the cities and counties of this State, the power of legislation over all municipal regulations, under proper restrictions,”

Respectfully report that they have had the same under considerations and have directed me to report the same back to

the Convention, with the recommendation that the same be referred to the committee on the legislative department, and ask to be discharged from the further consideration of the subject.

S. L. WITHEY, *Chairman.*

Report accepted and committee discharged.

The report of the committee was concurred in.

By the committee on corporations:

The committee on corporations other than municipal, to which was referred article 15 of the Constitution, have instructed their chairman to ask to be discharged from the further consideration of sections 13, 14 and 15 of said article, and to recommend that the same be referred to the committee on cities and villages.

EUGENE PRINGLE, *Chairman.*

Report accepted and committee discharged.

The recommendation of the committee was concurred in.

By the committee on legislative department:

The committee on the legislative department, to which was referred a resolution "that this committee be requested to inquire into the propriety of incorporating into the new Constitution, a clause establishing eight hours as a legal day's work, except in cases in which parties shall otherwise agree," would respectfully report that they have had the same under consideration; have unanimously instructed their chairman to report to the Convention, that in the judgment of the committee, the matter of fixing a rule determining the number of hours which shall constitute a legal day's work, is one of legislative discretion, rather than of constitutional restriction, and hence that nothing on the subject need be inserted in the new Constitution, and ask to be discharged from the further consideration of the subject.

O. D. CONGER, *Chairman.*

Report accepted and committee discharged.

Mr. W. E. Warner moved that the report be printed;

Which motion did not prevail.

The report of the committee was then concurred in.

By the committee on printing:

The committee on printing, to whom was referred the resolution of inquiry in regard to printing at the head of each page of the Convention Debates, the subject or subjects contained in the page, have considered the same, and report that it is inexpedient at this time.

The committee further report in favor of the publication, in pamphlet form, 200 copies of the list of delegates, standing committees, and the rules of the Convention.

E. G. MORTON, *Chairman*.

Report accepted and committee discharged.

By the committee on the legislative department:

The committee on the legislative department, to whom was referred sections 39, 41, 42, 44 and 46, of article 4, of the Constitution, would respectfully report that they have had the same under consideration, and have instructed their chairman to report the same back to the Convention, recommend their reference to the committee on bill of rights, and ask to be discharged from the further consideration of the subject.

O. D. CONGER, *Chairman*.

Report accepted and committee discharged.

The recommendations of the committee were concurred in.

By the committee on the legislative department:

The committee on the legislative department, to whom was referred sections 30 and 34, of article 4 of the Constitution, would respectfully report that they have had the same under consideration, and have instructed their chairman to report the same back to the Convention, recommend their reference to the committee on elections, and ask to be discharged from the further consideration of the subject.

O. D. CONGER, *Chairman*.

Report accepted and committee discharged.

The recommendation of the committee was concurred in.

By the committee on legislative department:

The committee on legislative department, to whom was referred section 47, article 4, of the Constitution, would respectfully report that they have had the same under consideration, and have instructed their chairman to report the same back to the Convention, recommend that it be referred to the committee on intoxicating liquors, and ask to be discharged from the further consideration of the subject.

O. D. CONGER, *Chairman.*

Report accepted and committee discharged.

The recommendation of the committee was concurred in.

MOTIONS AND RESOLUTIONS.

Mr. Burtenshaw offered the following resolution:

Resolved, That the committee on miscellaneous provisions be instructed to consider the propriety of authorizing the Legislature to establish a State prison in the Upper Peninsula.

Referred to the committee on miscellaneous provisions.

Mr. Mussey offered the following resolution, which was not adopted:

Resolved, That it is inexpedient for the several committees on the Constitution, to accompany their reports with written explanations of the reasons which may have influenced them in agreeing thereto.

Mr. Van Riper offered the following resolution:

Resolved, That the committee on education be instructed to inquire into the expediency of incorporating in the Constitution the system of county superintendents of common schools.

Referred to the committee on education:

Mr. Thompson offered the following resolution, which was not adopted:

Resolved, That hereafter, until otherwise ordered, the daily sessions of this Convention, shall commence at 9 o'clock A. M., except on Mondays, which shall remain as at present.

Mr. Ferris offered the following resolution:

Resolved, That the committee on the judicial department be instructed to inquire as to the expediency of arranging the circuits into districts of at least three judges, and requiring them

to hold special terms, and also general terms in band, for the transaction of such business as may be brought before them according to law.

Referred to the committee on the judicial department.

Mr. Ferris offered the following resolution:

Resolved, That the committee on the judicial department be instructed to inquire as to the expediency of abolishing the office of judge of probate, and establishing in the place thereof, county courts, with probate jurisdiction, and also jurisdiction of cases in appeal from justice courts.

Referred to the committee on judiciary department.

Mr. Ferris offered the following resolution:

Resolved, That the committee on miscellaneous provisions, be instructed to inquire as to the expediency of establishing in the office of the Secretary of State, a bureau of statistics, under such regulations as may be prescribed by law.

Referred to the committee on miscellaneous provisions.

Mr. Ferris offered the following resolution:

Resolved, That the committee on organization and government of cities and villages, be instructed to inquire into the expediency of requiring the Legislature to provide for the organization of cities and villages, by general laws; and prohibiting amendments thereof of a merely local character.

Referred to the committee on cities and villages.

Mr. Lamb offered the following resolution:

Resolved, That the committee on elections be instructed to inquire whether any, and if any, what rule in the Constitution of this State is requisite, in relation to the right and duty of boards of election in the reception of votes from, and of idiotic and demented persons.

Referred to the committee on elections.

Mr. Lamb offered the following resolution:

Resolved, That the committee on elections be requested to inquire into the expediency and propriety of so arranging the Constitution of this State as to secure to the citizen soldier thereof the right of exercise of the elective franchise, be he

where he may on election days, in the discharge of the duty of defending the government of this State or the United States, under any call or order of the Commander-in-Chief of this State or the United States of the military forces of the same.

Referred to the committee on elections.

Mr. Lamb offered the following resolution:

Resolved, That the committee on elections be instructed to inquire into the expediency and propriety, also the in expediency and non-propriety, of re-enfranchising those persons in our State who were disfranchised, or reputed so to be, by act of Congress, for the crime of desertion, or kindred criminalities during the late rebellion.

Referred to the committee on elections:

Mr. Elliott offered the following resolution:

Resolved, That the committee on finance and taxation be instructed to inquire as to the propriety of modifying, or leaving out of the new Constitution, the 12th section of article 14, of the present Constitution, relative to assessing property at its cash value.

Referred to the committee on finance and taxation.

Mr. Elliott offered the following resolution:

Resolved, That the committee on legislative department be instructed to inquire as to the propriety of inserting a clause in the Constitution preventing the Legislature from passing a law in any way affecting the final decisions of arbitrators.

Referred to the committee on the legislative department.

Mr. Parsons moved that when the Convention adjourn, it adjourn until to-morrow morning at 9 o'clock;

Which motion prevailed.

Mr. Tyler offered the following resolution:

Resolved, That the committee on education be requested to inquire into the expediency of so providing by taxation, as to make all the primary and union schools of the State free.

Referred to the committee on education.

Mr. Tyler offered the following resolution:

Resolved, That the committee on education be requested to inquire into the expediency of so providing as that boards of school district officers shall have it in their power to cause all children within their several school districts of sufficient age and capacity, irrespective of sex or condition in life, to attend school to the extent at least as to enable them to read and write.

Referred to the committee on education.

Mr. Alexander offered the following resolution:

Resolved, That the committee on legislative department be instructed to inquire into the expediency of restricting the number of notaries public in each county of the State.

Referred to the committee on the legislative department.

Mr. Alexander offered the following resolution:

Resolved, That the committee on legislative department be instructed to inquire into the expediency of a constitutional provision which shall require the Legislature, in making an amendment to an existing law, to re-enact and publish the entire act.

Referred to the committee on the legislative department.

Mr. Huston offered the following resolution:

Resolved, That the committee on finance and taxation be instructed to consider the expediency of so changing Sec. 13, Art. 14, as to read as follows: "The Legislature shall provide for an equalization by a State Board, to be composed of one member from every organized county in the State, to be elected or appointed, as such Legislature may provide, in the year one thousand eight hundred and sixty-eight, and every fifth year thereafter, of assessments all on taxable property, except that paying specific taxes."

Referred to the committee on finance and taxation.

Mr. Duncan offered the following resolution:

Resolved, That the committee on public lands be instructed to inquire into the expediency of the sale of the balance of the swamp lands unappropriated, at the minimum price, and appropriate twenty-five per cent. of such sales to the school

fund to remunerate the State for expenses already incurred in Legislation, and carrying the same into effect; and the balance of such sales be placed in the treasury, to be expended by the board of supervisors where such lands are situated, without more cost to the State, and in such manner as hereafter prescribed by law.

Referred to the committee on public lands.

Mr. Daniells offered the following resolution:

Resolved, That the committee on towns be instructed to inquire and report as to the propriety of having but one commissioner of highways, and one school inspector, and two justices of the peace for each township. But whenever a township shall contain more than three hundred electors, it shall be entitled to three justices of the peace; and whenever a township shall have more than four hundred electors it shall be entitled to four justices of the peace.

Referred to the committee on townships.

UNFINISHED BUSINESS.

The unfinished business of yesterday being in order, to wit: the following resolution offered by Mr. Henderson:

Resolved, That the Secretary cause to be printed in convenient form, for the use of members and officers, 150 copies of the rules adopted by the Convention, together with a list of the delegates by counties, and also a list of the standing committees of the Convention;

The resolution was withdrawn.

GENERAL ORDER.

On motion of Mr. Lovell,

The Convention went into committee of the whole, on the general order,

Mr. Mussey in the chair.

After some time spent therein, the committee rose, and through their chairman made the following report:

The committee of the whole have had under consideration, Articles I, II, III, Relating to Boundaries—Seat of Government—Division of the Powers of Government;

Have made some progress therein, but not having gone through therewith, have directed me to report that fact to the Convention, and ask leave to sit again.

D. MUSSEY, *Chairman*.

Report accepted.

Leave was granted to the committee to sit again.

On motion of Mr. Giddings,

The Convention adjourned.

NINTH DAY.

Lansing, Saturday, May 25, 1867.

The Convention was called to order by the President at 10 o'clock A. M.

Prayer by Rev. Mr. Banwell.

Roll called: a quorum present.

Absent without leave, Messrs. Barber, Bills, Conger, Corbin, Desnoyers, Lothrop, Norris, Root, Shearer, Sheldon, Stoughton, Thompson and W. E. Warner.

Mr. P. D. Warner asked and obtained leave of absence for Mr. Bills, for an indefinite time

Mr. Sutherland asked and obtained leave of absence for himself, until Tuesday next.

Mr. McClelland asked and obtained leave of absence for Mr. Lothrop, until Tuesday, and for himself, until Monday next.

Mr. Willard asked and obtained leave of absence for Mr. Henderson, until Tuesday next.

Mr. Miles asked and obtained leave of absence for Mr. Conger, until Tuesday next.

Mr. Rafter asked and obtained leave of absence for Mr. Corbin, until Tuesday next.

Mr. Ninde asked and obtained leave of absence for Mr. Norris, until Tuesday next, and for himself until Monday next.

Mr. Coolidge asked and obtained leave of absence for himself, until Tuesday next.

Mr. Blackman offered the following substitute for the resolution, which was adopted:

Resolved, That the State Printer be instructed to furnish one hundred copies of the journals and of the debates and proceedings of this Convention, in addition to the number already ordered, for the use of the officers and reporters of the Convention, and that ten copies of the one thousand copies

Mr. Tyler asked and obtained leave of absence for Mr. Stoughton, until Tuesday next.

Mr. Lawrence asked and obtained leave of absence for Mr. Sheldon, for an indefinite time.

Mr. W. A. Smith asked and obtained leave of absence for Mr. W. E. Warner and Mr. Shearer, for an indefinite time.

Mr. Lovell asked and obtained leave of absence for himself, until Tuesday next.

Mr. Burtenshaw announced that Mr. McKernan, member elect of the Convention from the county of Houghton, was present and ready to qualify.

Mr. McKernan presented himself, qualified and took his seat.

Mr. Wright asked and obtained leave of absence for himself, until Wednesday next.

PRESENTATION OF PETITIONS.

By Mr. Tyler: petition and appeal of Mrs. Hettie Bishop, of St. Joseph county, on the subject of equal suffrage to both men and women;

By the same: petition of Hettie Bishop, Maria Ferris, Meranda Wilcox, and 120 other ladies, and H. G. Arnold, E. B. Ford, S. J. Schutt, and 42 other gentlemen of the township of Leonidas, St. Joseph county, on the same subject;

By the same: petition of Lovina Thurston, Elce Ann Bolt, Olive Weaver, and 20 other women, and Massena Paine Thurston, Emmor Kemmer Weaver, Authur Washburn and 16 other gentlemen of the townships of Burr Oak and Colon, St. Joseph county, on the same subject.

Referred to the committee on elections.

The reading of the appeal being called for, it was read by the Secretary.

Mr. T. G. Smith moved that the appeal and petition be printed in the journal;

Which motion did not prevail.

By Mr. Farmer: petition of George H. Murdock, Chas. D. Nichols, B. F. Pennell, and 30 others, asking this Convention to embody in the Constitution a clause extending the elective franchise to females liable to taxation.

Referred to the committee on elections.

By Mr. Sawyer: petition of 97 citizens of the State of Michigan, residents of the township of Hudson, asking the right of suffrage upon equal terms to both men and women.

Referred to the committee on elections.

REPORTS OF STANDING COMMITTEES.

By the committee on townships:

The committee on townships, to whom was referred article XI, of the Constitution, relative to townships, would respectfully report that they have had the same under consideration, and have instructed their chairman to submit the accompanying article on townships, consisting of three sections, as a substitute for said article XI, and recommend that the same be printed and referred to the committee of the whole.

That they have considered the propriety of abolishing the office of commissioner of highways, and of transferring the duties of said officer to the supervisor, township clerk, and justice of the peace having the shortest time to serve, upon which they were, by resolution of this Convention, instructed to report, and are unanimously of the opinion that the said office should not be abolished. That they have been unable to discover any good reason therefor, and that, in the absence of some substantial ground for making such a change, it is better to leave the matter as it now stands.

And your committee would request that they be discharged

from the further consideration of the subjects submitted to them.

Respectfully submitted.

T. G. SMITH, *Chairman*.

Report accepted and committee discharged.

The article was read a first and second time by its title ordered printed, placed on the general order, and referred to the committee of the whole.

MOTIONS AND RESOLUTIONS.

Mr. Chapin offered the following resolution:

Resolved, That hereafter there be printed and distributed for the use of the Convention, 1,500 copies of the daily journal.

Mr. Luce moved to amend the resolution, by inserting the words "and debates," after the word "journals."

ordered for the use of members of the Convention, be laid upon the table of each member daily.

The resolution as amended by the substitute, was adopted.

Mr. Wright moved that when the Convention adjourn, it be until Tuesday next at 11, o'clock.

Mr. Hazen moved to strike out the word "Tuesday," and insert in lieu thereof the word "Monday."

On motion of Mr. Leach,

The motion relative to adjournment was laid on the table.

Mr. Burtch moved to take from the table the resolution of Mr. Pringle, relative to an adjournment until the first Monday in December next.

Mr. Miles moved to lay the motion of Mr. Burtch on the table.

Mr. Burtch raised a question of order.

The President decided that the point of order was not well taken.

Mr. Burtch appealed from the decision of the Chair.

The question being, "Shall the decision of the Chair stand as the judgment of the Convention?"

The decision of the Chair was sustained unanimously.

The motion to lay on the table then prevailed.
On motion of Mr. Turner,
The Convention adjourned.

TENTH DAY.

Lansing, Monday, May 27, 1867.

The Convention was called to order by the President, at 10 o'clock A. M.

Prayer by the Rev. Mr. Bradley.

Roll called: a quorum present.

Absent without leave, Messrs. Barber, Burtch, Burtenshaw, Case, Giddings, Hazen, Henkel, Huston, Kenney, Murray, Parsons, Purcell, Thompson, Turner, Walker, F. C. Watkins and Yeomans.

Mr. Leach asked and obtained leave of absence for Mr. Parsons, until to-morrow.

Mr. Williams asked and obtained leave of absence for Messrs. Giddings and Walker, until to-morrow.

Mr. W. A. Smith asked and obtained leave of absence for Mr. Henkel, for an indefinite time, on account of sickness in his family.

Mr. Germain asked and obtained leave of absence for Mr. Yeomans, for an indefinite time.

Mr. Miles asked and obtained leave of absence for Mr. Hazen, for an indefinite time.

Mr. Musgrave asked and obtained leave of absence for Mr. Burtch, for to-day.

Mr. McKernan asked and obtained leave of absence for Mr. Burtenshaw, for one week, on account of sickness, and for Mr. F. C. Watkins, until to-morrow.

Mr. Lamb asked and obtained leave of absence for Mr. Kenney, for an indefinite time, on account of sickness in his family.

Mr. M. C. Watkins asked and obtained leave of absence for Mr. Murray, until Thursday next.

Mr. Withey asked and obtained leave of absence for Mr. Turner, until to-morrow.

Mr. Stockwell asked and obtained leave of absence for himself, until Wednesday next.

Mr. T. G. Smith asked and obtained leave of absence for Mr. Huston, for the day.

PRESENTATION OF PETITIONS.

By Mr. Daniels: petition of Morris Boughton and 132 other citizens of Clinton county, praying that suffrage be conferred equally upon men and women.

Referred to the committee on elections.

By Mr. Stockwell: petition of Israel S. Hodges and 33 others, citizens of Lenawee county, praying that State prison inspectors and county superintendents of the poor may be made elective by the people as other State and county officers are.

So much of the petition as refers to State prison inspectors, was referred to the committee on State officers.

So much as refers to superintendents of the poor, was referred to the committee on counties.

By the same: petition of W. C. Hunt, C. H. Williamson, Rebecca R. Longhouse and Addie Williamson, and 300 others, citizens of Adrian, praying that the right of suffrage may be secured, upon equal terms, to both men and women.

Referred to the committee on elections.

By Mr. W. A. Smith: petition of Henry F. May, G. L. Wright, and 74 others, legal voters of Plymouth, Wayne county, asking that section 47, article 4, of the present Constitution, be retained in the new instrument.

Referred to the committee on intoxicating liquors.

By Mr. Ferris: memorial of the eight hour league, as to public lands and as to exemptions.

So much of the petition as relates to public lands, was referred to the committee on public lands.

So much as relates to exemptions was referred to the committee on exemptions.

By Mr. Van Valkenburgh: petition of A. H. Green, George H. Smith, Junius Ten Eyck, E. B. Comstock and 196 other citizens and voters of Oakland county, to retain in the Constitution the provision prohibiting the traffic in intoxicating liquors.

Referred to the committee on intoxicating liquors.

By Mr. Blackman: petition of T. A. Granger, E. Barnum, and 144 others, legal voters of Van Buren county, praying that the Constitution may be so amended that fines and forfeitures collected in the several counties may be credited to the poor fund.

Referred to the committees on education, and finance and taxation, jointly.

By Mr. Williams: petition of Thomas J. Goodsell, Edgar A. Thompson, J. M. Kinney, and 23 others, citizens of Allegan county, praying for an amendment to the Constitution securing the right of suffrage, upon equal terms, to men and women.

Referred to the committee on elections.

By Mr. Mussey: petition of Elijah H. Pilcher and Aratus Smith, and 46 others, citizens of Romeo, Macomb county, praying that section 47, article 4, of the present Constitution, be retained in the new instrument.

Referred to the committee on intoxicating liquors.

IN COMMITTEE OF THE WHOLE.

On motion of Mr. Van Riper,

The Convention went into committee of the whole, on the general order,

Mr. Mussey in the chair.

The committee resumed the consideration of articles I, II and III of the Constitution.

Section 1, of article I, being under consideration,

Mr. Pringle moved that section 1 be stricken out.

After some debate thereon, the motion was withdrawn.

Mr. Williams moved to strike out the figure "1" after the word "article;"

Which motion did not prevail.

Mr. Withey moved to strike out the words in lines 13 and 14, "as marked upon the survey made by Captain Cramm, by authority of the United States;"

Which motion did not prevail.

Mr. T. G. Smith moved to strike out the words "Article I. Boundaries," and insert the word "Preamble" in the title. Also strike out words "section 1," in line one. Also insert after the word "Michigan," the word "which," in line one, and insert at the end of line 24 the words "do ordain and establish this Constitution;"

Which motion was not agreed to.

Mr. Pringle moved to strike out the words "where it is now established;"

Which motion did not prevail.

Article III being under consideration,

Mr. Ferris offered the following substitute therefor:

ARTICLE III.

DIVISION AND DISTRIBUTION OF THE POWERS OF GOVERNMENT.

Section 1. The powers of constitutional government are divided into three classes:

1. The powers which are granted;
2. The powers which are prohibited;
3. The powers which are reserved.

Section 2. The powers which are granted are distributed to five departments, viz: the Electors, the Convention, the Legislature, the Executive, the Judiciary.

Section 3. The legislative, executive and judiciary departments shall be separately administered; no person holding office in either of the three departments shall exercise powers belonging to the others, except in cases expressly provided in this Constitution.

Mr. Morton moved that the committee rise, report progress and ask leave to sit again;

Which motion prevailed.

IN CONVENTION.

The committee, through the chairman, submitted the following report:

The committee of the whole have had under consideration Articles I, II and III of the Constitution, have made some progress therein, but not having gone through therewith, have directed me to report that fact to the Convention, and ask leave to sit again.

D. MUSSEY, *Chairman.*

Leave was granted.

On motion of Mr. Morton,

The Convention took a recess until 3 o'clock.

AFTERNOON SESSION.

3 o'clock P. M.

The Convention was called to order by the President.

Roll called: a quorum present.

By unanimous consent, the Convention resumed the order of

PRESENTATION OF PETITIONS.

By Mr. Pringle: petition of A. J. Hobart, C. L. Mitchell, and 101 others, citizens of Jackson, urging the repeal of the clause of the present Constitution, prohibiting licenses to sell intoxicating liquors, and praying in lieu of it "a safe, well secured system of license."

Referred to the committee on intoxicating liquors.

IN COMMITTEE OF THE WHOLE.

On motion of Mr. Aldrich,

The Convention went into committee of the whole, on the general order,

Mr. Mussey in the chair.

The committee resumed the consideration of Articles I, II and III, of the Constitution.

The question being on the adoption of the substitute offered by Mr. Ferris,

The reading of the same was called for, and it was read by the Secretary.

Pending the debate thereon,

Mr. Burtch having the floor,

Mr. Willard raised a question of order, viz: that the remarks of Mr. Burtch were not relevant to the subject under discussion.

The chairman decided the point of order well taken.

Mr. Burtch appealed from the decision of the chair.

The question being, "Shall the decision of the chair stand as the judgment of the committee,"

The decision of the chair was sustained.

Mr. Pringle moved to amend Article III, by striking out section 2.

Mr. Willard moved to amend the amendment by adding the following, to stand as section 2: "Neither department shall ever exercise the powers belonging to another, except in such cases as are expressly provided for in this Constitution."

The amendment was accepted, and the motion of Mr. Pringle, as amended, was agreed to.

Mr. Ferris moved that the committee rise, report progress and ask leave to sit again.

Mr. Luce moved that the article be passed over informally.

Mr. Ferris withdrew the motion for the committee to rise.

Mr. Williams renewed it, and

The motion prevailed.

IN CONVENTION.

The chairman of the committee of the whole submitted the following report:

The committee of the whole have had under consideration Articles I, II and III of the Constitution, have made some progress therein, but not having gone through therewith, have

directed me to report this fact to the Convention, and ask leave to sit again.

D. MUSSEY, *Chairman*.

Leave was granted.

Mr. Alexander moved that the Convention adjourn until 9 o'clock to-morrow.

On motion of Mr. P. D. Warner,
The Convention adjourned.

ELEVENTH DAY.

Lansing, Tuesday, May 28, 1867.

The Convention was called to order by the President at 10 o'clock A. M.

Prayer by Rev. Mr. Weed.

Roll called: a quorum present.

Absent without leave, Messrs. Huston, Purcell and Stoughton.

Mr. Tyler asked and obtained leave of absence for Mr. Stoughton, for the day.

Mr. Lovell asked and obtained leave of absence for Mr. Huston, for to-day and to-morrow.

Mr. W. E. Warner asked and obtained leave of absence for Mr. Purcell, for the day.

PRESENTATION OF PETITIONS.

By Mr. Turner: petition of John Patchin, Daniel Lyon, E. N. Knapp, C. M. Moses, and 61 other citizens of the city of Owosso, praying that a provision may be inserted in the new Constitution prohibiting the granting of licenses for the sale of intoxicating liquors.

Referred to the committee on intoxicating liquors.

By Mr. Root: petition of James Underhill, Isaac W. Coffin, and fifty others, legal voters of Jefferson, Hillsdale county, that you will retain in the new Constitution, in principle at least, what is section 47, article 4, in the present Constitution;

By the same: petition of Wm. J. Leonard, James H. Davis, and 70 others, of Osseo, Hillsdale county, asking that the law

prohibiting the sale or giving away of intoxicating liquors, as a beverage, be enforced without respect to persons.

Referred to the committee on intoxicating liquors.

By Mr. Walker: petition of Sylvester Hoyt, Elias Cooley, W. E. C. Bement, and M. D. Brown and 112 others, citizens of St. Johns, Clinton county, Michigan, for the continuance of the clause in the Constitution prohibiting licenses to sell intoxicating liquors.

Referred to the committee on intoxicating liquors.

By Mr. Andrus: petition of Stephen H. Davis, Duncan Paine, R. D. Robinson and 32 others, voters of the township of Ray, Macomb county, asking that section 47, article 4, of the present Constitution, be retained or embodied in the revised one.

Referred to the committee on intoxicating liquors.

By Mr. W. E. Warner: petition of F. Buhl & Co., Edward Orr and 200 others, legal voters of Detroit, asking that section 47, article 4, of the present Constitution, be stricken out, and that in its place power be given to the Legislature to enact a license law for the sale of ardent and other intoxicating liquors, under the supervision of commissioners, to be appointed by the Governor;

By the same: petition of H. A. Sealy and 83 others, legal voters of Detroit, praying that section 47, article 4, of the present Constitution, may be retained in the new.

Referred to the committee on intoxicating liquors.

By Mr. Crocker: petition of James G. Summers, Henry Darling, Seth K. Shetterly, and 95 others, citizens of Utica, Macomb county, praying the repeal of section 47, article 4, of the present Constitution, and the adoption in lieu thereof, of a provision giving the Legislature power to grant licenses, &c.

Referred to the committee on intoxicating liquors.

By Mr. Parsons: petition of Robert McLaughlin, J. M. Goodell, J. M. Fraser, and 40 others, residents of Caledonia, Shiawassee county, praying that section 47, article 4, of the present Constitution, be retained, in principle, in the new instrument.

Referred to the committee on intoxicating liquors.

By Mr. Bills: petition of Peter H. Chappel and others, legal voters of Wright, Ottawa county, praying that no license be allowed for the sale of intoxicating liquors.

Referred to the committee on intoxicating liquors.

By the same: petition of Daniel Landon and 20 others, legal voters of Parma, Jackson county, praying that the new Constitution shall prohibit the granting of license for the sale of intoxicating liquors.

Referred to the committee on intoxicating liquors.

By Mr. T. G. Smith: petition of Gethro Shout, A. B. Durbee and 19 others, legal voters of Fenton, Genesee county, in favor of retaining the prohibitory liquor clause in the proposed new Constitution.

Referred to the committee on intoxicating liquors.

By Mr. Van Valkenburgh: petition of A. Harshaw, D. Hubbell, E. M. Stickney and 30 others, citizens of Oakland county, praying the clause prohibiting the sale of intoxicating liquors may be retained in the new Constitution;

By the same: petition of R. S. Hutton, W. F. Stout, and 39 others, citizens of Oakland county, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. Howard: petition of Thomas Thompson, George W. Hill, Dr. A. M. Johnson and 14 others, legal voters of White Rock, Huron county, for retaining of section 47, article 4, of the present Constitution.

Referred to the committee on intoxicating liquors.

By Mr. Burtch: petition of E. E. Herrinton, A. Crane and 63 others, citizens of Grand Ledge, Eaton county, on the same subject;

By the same: petition of James W. Doxsie, William Babcock and 35 others, citizens of Grand Ledge, Eaton county, asking that the new Constitution shall not contain a clause prohibiting the enactment of a judicious license law.

Referred to the committee on intoxicating liquors.

By Mr. Mussey: petition of Daniel E. Earl and 33 others,

electors of the township of Ray, Macomb county, praying that section 47, article 4, of the present Constitution, be retained in the new one.

Referred to the committee on intoxicating liquors.

By Mr. Germain: petition of Nelson Rogers, S. B. Lawrence and W. T. Hess, and 41 others, legal voters of the village of Hubbardston, Ionia county, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. Williams: petition of Joseph S. Miner, W. B. Robinson, W. W. Kent and 16 other men, and M. A. Miner, M. D. Pulsipher and 18 others, women, citizens of Allegan county, Michigan, for the right of suffrage upon equal terms, and of L. A. Lonsbury for the same, if she can have a post-office; if not, not.

Referred to the committee on elections.

By Mr. Van Valkenburgh: petition of J. H. Ten Eyck, A. H. Green, Mrs. A. H. Green, Mary Dean, Flora Barber, and 17 other men, and 8 other women, on the same subject.

Referred to the committee on elections.

By the same: petition of James B. Simonson, Daniel Donelson, Byron L. Ransford, and 34 others, citizens of Holly, Oakland county, for the repeal of the clause in the Constitution prohibiting the traffic in intoxicating liquors, and praying for the introduction of a provision in the Constitution to license hotel keepers only.

Referred to the committee on intoxicating liquors.

By Mr. Yeomans: petition of R. & N. Dye, A. J. Welch, L. E. Jones, J. L. Taylor, E. H. King, C. B. Mitchell and 109 others, citizens of Ionia, in favor of a license law.

Referred to the committee on intoxicating liquors.

By Mr. Lothrop: petition of C. H. Buhl, Allan Sheldon, John Stephens, John J. Bagley, C. Hurlburt, Alex. Lewis, W. H. Taft, Geo. Kirby and 52 others, citizens of Detroit, asking for a license law for the sale of liquors.

Referred to the committee on intoxicating liquors.

By the President: memorial of the Grand Temple of Honor

RECEIVED

and Temperance of the State of Michigan, asking that section 47, article 4, of the present Constitution, prohibiting the sale of ardent spirits, be retained in the new instrument.

Referred to the committee on intoxicating liquors, and ordered printed in the journal.

The memorial is as follows:

STATE OF MICHIGAN,
GRAND WORTHY TEMPLAR'S OFFICE, }
Lansing, May 24, 1867.

HON. CHARLES M. CROSWELL, *President of State Constitutional Convention:*

DEAR SIR—By direction of our Grand Temple, I herewith transmit to your Honorable body, through you, the following memorial, which was unanimously adopted yesterday, at our annual session held in this city:

Resolved, By the Grand Temple of Honor and Temperance, of the State of Michigan, that section 47, of article 4, of the present State Constitution, prohibiting the sale of ardent spirits, should be retained in the new instrument.

Resolved, That there is perfect unanimity of sentiment upon this subject throughout our order in this State.

Resolved, That the Grand Worthy Recorder be instructed to transmit this action to the State Constitutional Convention now in session, under the seal of the Grand Temple.

H. KNAPP,
Grand Worthy Recorder.

S. R. WILCOX, G. W. T.

COMMUNICATIONS FROM STATE OFFICERS.

The President announced the following;

AUDITOR GENERAL'S OFFICE, }
Lansing, May 27, 1867.

HON. C. M. CROSWELL, *President of Constitutional Convention:*

SIR—Under date of May 21st inst., I received from the Secretary of the Constitutional Convention a copy of the following resolution, which had been adopted by the Convention:

Resolved, That the Auditor General be requested to communicate to the Convention the average number of clerks that

have been employed in his office during the years 1864, 1865 and 1866, (including his Deputy,) and the total amount paid them annually for their services, including the amount paid them for extra work; also the amount paid in each of said years for books, blanks and stationery; also the amount paid janitors or porters, and all other expenses incident to his office during each of said years.

In pursuance of the above resolution I have the honor to report that the average number of clerks employed in the Auditor General's office during the years designated, was respectively 21 1-3, 22 5-12, and 23 1-24. The total amount paid for their services for the corresponding years was \$22,064 05, \$23,083 43, and \$24,701 40.

The accounts for books, blanks, stationery, &c., for the use of this office; also the account of the janitor; also the accounts covering the incidental expenses of the office, are allowed and audited by the Board of Auditors. This class of accounts does not appear on the books of the Auditor General's office, but may be found in full, as allowed, in the annual reports of the Board of Auditors, to which I would respectfully refer you for the information called for by the latter part of the above resolution.

A very large portion, however, of the blanks charged to the account of the Auditor General's office, are blanks furnished the counties for their use.

Very respectfully,

WILLIAM HUMPHREY,

Auditor General.

On motion of Mr. Leach,

The communication was ordered printed in the Journal.

MOTIONS AND RESOLUTIONS.

Mr. D. Goodwin offered the following resolution:

Resolved, That the committee on the judicial department be requested to inquire into the expediency of providing that persons to hold the office of judge of probate shall be counsellors-at-law of the courts of record of this State.

Referred to the committee on the judicial department.

Mr. Bradley offered the following resolution:

Resolved, That the committee on arrangement and phraseology be requested to prepare a preamble to the Constitution, recognizing the being and sovereignty of God, substantially as follows:

“For the purpose of establishing justice and public order, and maintaining the rights of every citizen, we, the People of the State of Michigan, grateful to Almighty God for the free exercise of the right to choose our own form of government, do ordain this Constitution.”

Referred to the committee on arrangement and phraseology.

Mr. Turner offered the following resolution, which was adopted:

Resolved, That the Secretary of the State Board of Agriculture be requested to report to this Convention—

The number of acres of land donated by the General Government to this State for the benefit of Agricultural Colleges;

The total amount of appropriations in lands and money made by the State in aid of, the Agricultural College, together with a statement of the total cost of said College, and maintaining the same from its organization;

Also, the number of students at present in the institution, and the number that have been graduated since its organization.

Mr. Lovell offered the following resolution:

Resolved, That the committee on the legislative department be requested to inquire into the expediency of so limiting the veto power of the Governor, that whenever he may have returned with his objections a bill which has passed both Houses of the Legislature, if such bill, on the reconsideration thereof, shall, notwithstanding such objections, be supported by the votes of a majority of the members elect of each House, it shall become a law.

Referred to the committee on the legislative department.

Mr. Willard offered the following resolution:

Resolved, That the committee on supplies be requested to ascertain and to report the amount of mileage to which each member is entitled, for attendance upon the Convention.

Referred to the committee on supplies.

Mr. Van Valkenburgh offered the following resolution:

Resolved, That the committee on the judicial department be requested to inquire into the propriety of so amending section 9, of article 6, that it shall read, after the provision made for the salary of the judges, "They shall be ineligible to any other than a judicial office during the term for which they are elected, except for the office of delegates to Constitutional Conventions which may hereafter be called."

Referred to the committee on the judicial department.

Mr. T. G. Smith offered the following resolution:

Resolved, That the committee on counties be instructed to consider the propriety of conferring upon boards of supervisors the exclusive power of filling all vacancies that may occur in county offices.

Referred to the committee on counties.

Mr. Tyler offered the following resolution:

Resolved, That the committee on finance and taxation, be requested to inquire into the expediency of so providing by constitutional enactment, that the board of supervisors of any county in this State, can, at any legal meeting of such board, provide and direct that any bridge in such county, the cost of which will amount to \$300 or over, may be constructed and built by the levying a tax upon the taxable property of the county; and further, that said board may have the right to cause all bridges in such county, the cost of which was \$600 or over, to be repaired by a tax upon the taxable property of the county.

Referred to the committee on finance and taxation.

Mr. Norris offered the following resolution, which was adopted:

Resolved, That a standing committee upon crimes and punishments, be appointed by the President.

Mr. Alexander offered the following resolution:

Resolved, That this Convention adjourn on Friday, the 31st inst., until Wednesday, the 5th of June.

On motion of Mr. Willard,

The resolution was laid on the table.

Mr. Lovell offered the following resolution, which was adopted:

Resolved, That it is desirable that every member of the Convention, submitting a resolution of inquiry as to the expediency of providing for any suggested amendment to the Constitution, should have an opportunity to submit his views, orally or in writing, to the committee instructed to make such inquiry, at the convenience of such committee.

Mr. McKernan offered the following resolution:

Resolved, That the President appoint a committee of five, to consider and report the necessary constitutional provisions for the Upper Peninsula.

Mr. Leach offered the following substitute for the resolution, which was adopted:

Resolved, That a committee of five be appointed to inquire and report to the Convention whether any special constitutional provisions are required for the Upper Peninsula.

The resolution, as amended by the substitute, was then adopted,

Mr. Blackman offered the following resolution:

Resolved, That the committee on education be requested to inquire into the expediency of abolishing the last clause of section 12, of article 13, of the present Constitution, which requires all fines and forfeitures collected in the several counties and townships, for any breach of the penal laws, shall be exclusively applied to the support of libraries.

Referred to the committee on education.

Mr. Longyear offered the following resolution:

Resolved, That the committee on public lands be instructed to inquire into the expediency of providing for the sale of the

swamp lands at a minimum price to be fixed by law; the creation of a drainage fund from a portion of the proceeds of such sales, and the application of the balance of such proceeds to the endowment of a college for the education of females.

Referred to the committee on public lands.

Mr. Longyear offered the following resolution:

Resolved, That the committee on education be instructed to inquire into the expediency of providing for the establishment and endowment of a college for the education of females.

Referred to the committee on education.

Mr. Ferris offered the following resolution:

Resolved, That the committee on finance and taxation be instructed to inquire as to the expediency of taxing the property of religious associations and corporations, where such property shall exceed in value the sum of ten thousand dollars, and of exempting such property under that value.

Referred to the committee on finance and taxation.

IN COMMITTEE OF THE WHOLE.

On motion of Mr. Willard,

The Convention went into committee of the whole, on the general order,

Mr. Mussey in the chair.

The Convention resumed the consideration of Articles I, II, and III, of the Constitution.

The question being on the substitute for Article III., offered by Mr. Ferris, after some debate thereon,

Mr. Rafter moved that the committee rise, report progress, and ask leave to sit again;

Which motion did not prevail.

The question being taken on the substitute, it was not adopted.

Mr. McClelland moved that the committee rise, report the articles back to the Convention, ask concurrence in the amendment made thereto, and recommend their passage.

The motion prevailed.

IN CONVENTION.

The committee, through the chairman, submitted the following report:

The committee of the whole have had under consideration Articles I, II and III of the Constitution, have made an amendment thereto, and have directed their chairman to report the same back to the Convention, asking concurrence therein, and recommend their passage.

D. MUSSEY, *Chairman.*

Report accepted and the committee discharged.

Mr. P. D. Warner moved that the Convention concur, in the amendment made by the committee.

Pending which,

Mr. Leach moved that the Convention take a recess until 2½ o'clock.

By request, the motion to take a recess was withdrawn.

Mr. Tyler announced that Mr. Hull, a member elect of the Convention, from the county of St. Joseph, was present and ready to qualify.

Mr. Hull was presented, qualified and took his seat.

On motion of Mr. Leach,

The Convention took a recess until 2½ o'clock.

AFTERNOON SESSION.

2½ o'clock P. M.

The Convention was called to order by the President.

Roll called: a quorum present.

The question being on concurring in the amendment made in committee of the whole to section 2, of Article III, of the Constitution,

Mr. Farmer moved to amend the same by striking out the word "neither," and inserting in place thereof the word "no;"

Pending which,

Mr. Holt offered the following as a substitute, in lieu of the section reported by the committee of the whole:

"No person, or collection of persons, holding office in one department, shall, by virtue thereof, exercise the powers properly belonging to another, except in cases expressly provided in this Constitution."

Mr. Alexander offered the following as an amendment to the substitute:

"The powers of the government shall be divided into three distinct departments—the legislative, executive and judicial; no person or persons belonging to or constituting one of these departments, shall exercise any of the powers properly belonging to either of the others, except as herein expressly provided."

Mr. Norris moved that the articles be recommitted to the standing committee which reported them;

Mr. Watkins demanded the previous question.

The demand was not sustained.

The motion to recommit did not prevail.

The question being upon the amendment offered by Mr. Farmer, it was not adopted.

Mr. P. D. Warner moved to amend by inserting after the word "power," the word "properly;"

Which was not agreed to.

The amendment to the substitute was not adopted.

The question recurring upon the substitute offered by Mr. Holt, it was not adopted.

Mr. Lovell moved to insert the words, "any of," after the word "exercise," in the amendment reported by the committee, so that the section shall read, "neither department shall ever exercise any of the powers," &c.

The amendment was not agreed to.

The question then being on concurring in the recommendation of the committee of the whole, it was concurred in.

Articles I, II and III, were referred to the committee on arrangement and phraseology, ordered engrossed, and placed on the order of third reading.

On motion of Mr. Morton,

The Convention adjourned.

TWELFTH DAY.

Lansing, Wednesday, May 29, 1867.

The Convention was called to order by the President at 10 o'clock A. M.

Prayer by Rev. Mr. Weed.

Roll called: a quorum present.

Absent without leave, Messrs. Duncan, Purcell and W. A. Smith.

Mr. W. E. Warner asked and obtained leave of absence for Mr. Purcell and Mr. W. A. Smith, for an indefinite time.

Mr. White asked and obtained leave of absence for Mr. Duncan, for an indefinite time, on account of sickness.

PRESENTATION OF PETITIONS.

By Mr. McConnell: petition of R. B. McCulloch, George W. Woodward, Michael McFinegan, and 70 other legal voters of Wright, Ottawa county, praying that section 47, article 4, of the present Constitution, or the spirit thereof, be retained in the new one.

Referred to the committee on intoxicating liquors.

By Mr. Van Riper: petition of Andrew J. Smith, Charles W. Clisbee and 106 others, citizens of Cassapolis, Cass county, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. Henderson: petition of S. S. Lacy, Frank Beach, B. A. Galloup and 76 others, legal voters of the city of Marshall, Calhoun county, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. Case: petition of Hon. Levi Camburn, I. P. Beers, Register of Deeds, A. S. French, County Treasurer, A. Lyon, County Clerk, and Harmon Smith, Circuit Court Commissioner, and 57 others, citizens of Stanton, praying that the present prohibitory liquor clause may be engrafted, in principle at least, in the new Constitution.

Referred to the committee on intoxicating liquors.

By the same: memorial of Danby L. Coon, J. J. Shearer, S.

Sprague, Edward Butler, W. N. Pettee, C. K. Sprague, C. D. Chamberlin and 124 others, praying for the repeal of the prohibitory clause, and for a well protected license system.

Referred to the committee on intoxicating liquors.

By Mr. Stockwell: petition of R. R. Beecher, Orsemas Lamb, Sarah B. Eastman, Charles Myers and Mrs. W. C. Hunt, and 200 others, citizens of Lenawee county, praying for equal suffrage to men and women.

Referred to the committee on elections.

By the same: petition of Mrs. Annie N. Potts, E. E. Richards, J. N. Chandler, G. N. Todd and 110 others, citizens of Lenawee county, on the same subject;

By the same: petition of William A. Stow, Edwin Comstock, Mrs. E. R. Stebins, E. Comstock and 63 others, citizens of Lenawee county, on the same subject;

By the same: petition of F. F. Dodge, M. Harlin, Mary E. Barrick and Mrs. H. Brower, and 170 others, on the same subject.

Referred to the committee on elections.

By Mr. McClelland: petition of M. Mills, Mayor, Wm. Phelps & Co., Moore, Foote & Co., Wm. Duncan, M. W. Field & Co., A. H. Dey, M. S. Smith & Co., R. W. King, Garrison & Newbery, Arthur C. Porter, K. C. Barker, Croul Brothers, Richard Hawley, Edward Le Favour and 100 others, citizens of Detroit, asking for the passage of a safe and well secured license law for the sale of liquors.

Referred to the committee on intoxicating liquors.

By Mr. Stoughton: petition of Wm. Trumbull, Mrs. Frances M. Van Vorst and 32 others, citizens of St. Joseph county, and of Sarah C. Betts, Eliza J. Tyler, and 40 other women, and Geo. Tyler and Charles Betts, and 30 other legal voters of the township of Burr Oak, from the same county, asking for equal suffrage for men and women.

Referred to the committee on elections.

By the same: petition of Mrs. A. C. Abbott, Mary Raynor, Rachel Locke and 60 other women, and of B. N. Stone, W.

Raynor, Charles Farrand and 30 others, legal voters of Burr Oak, asking the Constitutional Convention to incorporate in the new constitution womanhood suffrage.

Referred to the committee on elections.

By Mr. Aldrich: petition of Asahel Bryan, Louisa Bryan and 29 others, praying for equal suffrage to both men and women.

Referred to the committee on elections.

By Mr. Yeomans: petition of Mrs. Sarah R. Ferris, Mrs. L. Chamberlain, Mrs. C. A. Preston, Mrs. C. O. Thompson and 142 other ladies, and Osmand Tower, A. Williams, Frederick Hall, A. F. Bell and 78 other gentlemen, residents of Ionia, praying for equal suffrage to men and women.

Referred to the committee on elections.

By Mr. Coolidge: petition of E. L. Calkins, E. J. Bonine, R. W. Landon, R. C. Paine, G. A. Colby, Joseph S. Bacon and 99 others, to repeal the prohibitory clause in the present constitution, and replace the same by a well regulated license system.

Referred to the committee on intoxicating liquors.

REPORTS OF STANDING COMMITTEES.

By the committee on corporations other than municipal:

The committee on corporations other than municipal, to whom was referred Article 15, of the Constitution, respectfully report that they have had the same under consideration, and have directed me to report that they find section 9, of the said Article, to relate to the taking of property for the public use, and that they conceive that the object sought may be conveniently and properly attained by a general provision, which would be properly included among the miscellaneous provisions. They therefore recommend that the said section be referred to the committee on miscellaneous provisions, and ask to be discharged from the further consideration of the subject.

EUGENE PRINGLE, *Chairman.*

Report accepted and committee discharged.

The recommendation of the committee was concurred in.

By the committee on corporations other than municipal:

The committee on corporations other than municipal, to whom was referred Article XV of the Constitution,

Respectfully report that they have had the same under consideration, and have directed me to report an Article entitled "Corporations other than municipal," recommending that the same do pass, and ask to be discharged from the further consideration of the subject.

EUGENE PRINGLE, *Chairman.*

Report accepted and committee discharged.

The article was read a first and second time by its title, ordered printed, placed on the general order, and referred to the committee of the whole.

By the committee on cities and villages:

The committee on cities and villages, to whom was referred section 15, of Article 15, of the Constitution, have instructed their chairman to ask to be discharged from the further consideration thereof, and recommend that the same be referred to the committee on miscellaneous provisions.

M. H. MILES, *Chairman.*

Report accepted and committee discharged.

The recommendation of the committee was concurred in.

MOTIONS AND RESOLUTIONS.

Mr. Conger offered the following resolution, which was unanimously adopted:

Whereas, a portion of an article over the signature of C. K. B., published in the *Detroit Advertiser and Tribune* of the 28th inst., contains certain false and scurrilous reflections upon members of this Convention; therefore,

Resolved, That this Convention, recognizing the right of the press to comment freely upon the acts of this Convention or its members, have seen with regret and mortification the false and unwarranted attack above alluded to, upon members of this Convention, and we do freely declare that the conduct and actions of the gentlemen alluded to, have uniformly been courteous, gentlemanly and without reproach, and the impu-

tations in said article are false and unwarranted in every respect.

Mr. McClelland offered the following resolution, which was adopted:

Resolved, That the committee appointed to invite the resident pastors of this city to open our daily sessions with devotional exercises, be requested to inquire into the propriety of making compensation therefor, and report by resolution or otherwise.

IN COMMITTEE OF THE WHOLE.

On motion of Mr. Pringle,

The Convention went into committee of the whole, on the general order,

Mr. Longyear in the chair.

Article XI being under consideration,

Mr. Giddings moved to strike out the word "March," in the first line of section one, and insert in lieu the word "April."

Mr. Willard moved to amend the amendment, by striking out the words, "on the first Monday of March," and inserting "at such time as the Legislature shall direct."

Which was not agreed to.

The question recurring on the amendment of Mr. Giddings, it did not prevail.

Mr. Morton moved to strike out the word "Monday," in the first line of section 1, and insert in lieu the word "Tuesday;"

Which motion prevailed.

Mr. Bills moved to strike out of the fourth line all after the word "provide," to and including the word "qualified," in the fifth line.

Mr. Burtch moved that the committee rise, report progress, and ask leave to sit again;

Which motion did not prevail.

Mr. Woodhouse moved to amend the amendment by striking

out the words "and for one year and," in the fourth and fifth lines, and inserting after the word "whose," in the fifth line, the words "terms of office;"

Which was accepted.

Mr. Utley offered the following substitute for the original section and amendments, to stand as section one:

Sec. 1. There shall be elected annually, on the first Tuesday in March, in each organized township, one supervisor, one township clerk, and one township treasurer, who shall hold their offices for one year, and until their successors are elected and qualified, and whose powers and duties shall be prescribed by law. There shall also be elected, at the same time, such other township officers as the Legislature may direct, who shall hold their offices for such time, and discharge such duties, as the Legislature shall determine.

Pending which,

Mr. Chapin moved that the committee rise, report progress, and ask leave to sit again.

The motion prevailed.

IN CONVENTION.

The committee, through the chairman, submitted the following report:

The committee of the whole have had under consideration Article numbered XI, of the Constitution, have made some progress therein, but not having gone through therewith, have directed me to report that fact to the Convention, and ask leave to sit again.

J. W. LONGYEAR, *Chairman.*

The report was accepted.

Leave was granted the committee to sit again.

On motion of Mr. Lovell,

The Convention adjourned.

THIRTEENTH DAY.

Lansing, Thursday, May 30, 1867.

The Convention was called to order by the President, at 10 o'clock A. M.

Prayer by the Rev. Mr. Weed.

Roll called: a quorum present.

Absent without leave, Messrs. McKernan and Murray.

Mr. Ferris asked and obtained leave of absence for Mr. McKernan, for to-day, on account of sickness in his family.

Mr. M. C. Watkins asked and obtained leave of absence for Mr. Murray, until Monday next.

PRESENTATION OF PETITIONS.

By Mr. Sutherland: petition of James C. Goodale and 106 others, of Chesaning, Saginaw county, praying for the repeal of the prohibitory clause in the present Constitution, and for a well regulated license system.

Referred to the committee on intoxicating liquors.

By Mr. Richmond: petition of J. M. Martin, Henry Bender, Wm. Andrews, J. Gartner and 320 others, citizens and voters of Washtenaw county, asking that a provision be put in the Constitution, making it the duty of the Legislature to grant license for the sale of intoxicating liquors.

Referred to the committee on intoxicating liquors.

By Mr. Hixson: petition of E. B. Mory, J. S. Reynolds, C. Walbridge and 92 others, voters of the township of Manchester, Washtenaw county, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. Root: petition of J. H. Lockwood, H. B. Rowell, M. Millspaw and 21 other men, and Adaliza Lockwood, Eliza G. Rowell, Delilah Millspaw and 18 other women, of Hillsdale county, asking for the right of suffrage, upon equal terms, to both men and women;

By the same: petition of Dr. R. M. Curtiss, Wm. R. Bennett, A. M. Green and 13 other men, and Sarah A. Carpenter, Phebe M. Bennett, Lydia E. Foster and 13 other women, of Osseo, Hillsdale county, on the same subject.

Referred to the committee on elections.

By Mr. Parsons: petition of H. C. Martin, J. M. Harding and 70 others, citizens of Corunna, Mich., praying for a license law.

Referred to the committee on intoxicating liquors.

By Mr. Morton: petition of C. Walldorf and 81 others; of Francis Dunclo and 75 others; of Jos. Dansard and 113 others; of W. VanMiller and 100 others; of Toussaint Navarre and 60 others, citizens of Monroe county, for a stringent license law for the sale of spirituous liquors, and against any prohibitory clause in the Constitution.

Referred to the committee on intoxicating liquors.

By Mr. Morton: petition of Lewis Darrah and 32 others, citizens of Monroe county, praying that all fines imposed in criminal cases be credited to the fund for the support of the county poor.

Referred to the committee on finance and taxation.

By Mr. Giddings: petition of A. Norton, A. B. Judson, Dr. C. J. Montgomery and 69 others, citizens of Brady, in Kalamazoo county, praying for a repeal of the clause in the present Constitution, prohibiting license for the sale of wines and liquors, and asking in lieu thereof, a safe and well secured system of license.

Referred to the committee on intoxicating liquors.

By Mr. Corbin: petition of A. Diver and 67 others; John L. Eckert and 56 others; C. Krikoff and 53 others; W. Paul and 34 others; M. Rother and 70 others; B. Henkel and 82 others; Geo. Wagner and 30 others; F. Kruger and 100 others, citizens of Monroe county, for a stringent license law for the sale of spirituous liquors, and against any prohibitory clause in the Constitution.

Referred to the committee on intoxicating liquors.

By Mr. McConnell: petition of A. S. Power, Geo. Roberts and 21 other men; Cynthia Walton, Angeline S. Lapham and 20 other women, citizens of Oakland county, praying that the

right of suffrage may be secured to both men and women, upon equal terms, in the new Constitution.

Referred to the committee on elections.

By Mr. Rafter: petition of W. H. Clark and 13 others; G. M. Knapp and 90 others; John Steiner and 40 others; L. Shinevar and 43 others; G. Vrooman and 50 others; M. Robert and 47 others; E. Gelday and 32 others; John Hope and 70 others, citizens of Monroe county, praying for a stringent license law for the sale of spirituous liquors, and opposed to a prohibitory law.

Referred to the committee on intoxicating liquors.

By Mr. Ferris: petition of Edwin Avery, J. Frederick Baars, Jr., and 6 others, citizens of the city of Grand Rapids, praying that section 47, article 4, of the present Constitution, be inserted in the new one;

By the same: petition of C. J. Rogers and 49 others, citizens of Grandville, Kent county, on the same subject;

By the same: petition of Eugene Carpenter and 44 others, citizens of the city of Grand Rapids, on the same subject;

By the same: petition of John H. Slack and 41 others, citizens of the city of Grand Rapids, on the same subject;

By the same: petition of M. A. Patrick and 48 others, citizens of Cameron, Kent county, on the same subject;

By the same: petition of R. B. McCulloch, Abram Bigelow, and 37 other citizens of Berlin, Ottawa county, on the same subject.

Referred to the committee on intoxicating liquors.

REPORTS OF STANDING COMMITTEES.

By the committee on finance and taxation:

The committee on finance and taxation, to whom was referred Article fourteen, of the Constitution,

Respectfully report that they have had the same under consideration, and have directed me to report an article, entitled "Finance and Taxation."

Recommending that the same do pass, and ask to be discharged from the further consideration of the subject.

D. C. LEACH, *Chairman*.

Report accepted and committee discharged.

The article was read a first and second time by its title, ordered printed, placed on the general order and referred to the committee of the whole.

By the committee on the executive department:

The committee on the executive department, to whom was referred Article five, of the Constitution, respectfully report that they have had the same under consideration, and have directed me to report an article, entitled Executive Department, recommending that the same do pass, and ask leave to be discharged from the further consideration of the subject.

JAMES BIRNEY, *Chairman*.

Report accepted and committee discharged.

The article was read a first and second time by its title, ordered printed, placed on the general order, and referred to the committee of the whole.

By the committee on arrangement and phraseology:

The committee on arrangement and phraseology, to whom was referred Articles I, II and III, for arrangement, correction and engrossment,

Respectfully report that they have had the same under consideration, and have directed me to report the same with the accompanying corrections, recommending that the same be concurred in, and ask to be discharged from the further consideration of the subject.

T. NINDE, *Chairman*.

Report accepted and committee discharged.

The corrections are as follows:

In Article 1, Section 1, strike out all after "Michigan," in the first line, to and including the word "boundaries," in the second line, and insert in place thereof the words "is bounded as follows:"

In the second Article, strike out the words "be at Lansing, where it is now established," and insert in place thereof the words "remain established at Lansing."

In the third Article, strike out of Section two, the word "such," and the words "as are," so that said article, as amended, shall read as follows:

Sec.2. Neither department shall ever exercise the powers belonging to another, except in cases expressly provided for in this Constitution.

Mr. Burtch moved that the report be laid upon the table and ordered printed;

Which motion did not prevail.

On motion of Mr. Conger,

The report was laid upon the table until to-morrow.

By the committee on State officers:

The committee on State officers, to whom was referred so much of the present Constitution as relates to the several State officers to be elected, and the following resolutions, viz:

Resolved, That the committee on State officers inquire into the expediency of giving to the Governor the power of appointing, by and with the advice and consent of the Senate, all State officers;

Also,

Resolved, That the committee on State officers be requested to inquire into the expediency of providing for the election of Speaker of the House of Representatives by the people;

Also,

The petition of Israel S. Hodges and 33 other citizens of Lenawee county, praying that State Prison Inspectors may be elected by the people, the same as other State officers,

Having had the several subjects under consideration, respectfully report that the committee, after patient and mature deliberation, have directed me, by unanimous concurrence, to report the following article, entitled "State Officers," recommending that the same do pass, and ask to be discharged from the further consideration of the subject.

P. DEAN WARNER, *Chairman*.

Report accepted and committee discharged.

The article was read a first and second time by its title, ordered printed, placed on the general order, and referred to the committee of the whole.

By the committee on counties:

The committee on counties, to whom was referred Article 10 of the Constitution, also sundry resolutions relating thereto,

Respectfully report that they have had the same under consideration, and have directed me to report an article entitled Counties, recommending that the same do pass, and ask to be discharged from the further consideration of the subject.

CYRUS G. LUCE, *Chairman.*

Report accepted and committee discharged.

The article was read the first and second time by its title, ordered printed, placed on the general order, and referred to the committee of the whole.

MOTIONS AND RESOLUTIONS.

Mr. Norris offered the following resolution:

Resolved, That the Secretary of the Convention procure and cause to be placed upon the table of each delegate, one copy of the State Printer's revised proof of the debates of this Convention, so that each delegate, who may desire so to do, may have at least twelve hours for corrections, before such copy is sent to press for the full edition.

On motion of Mr. Giddings,

The resolution was referred to the committee on printing.

Mr. McClelland offered the following resolution, which was adopted:

Resolved, That the Auditor General be requested to report to this Convention the length and expenses of each of the last three regular sessions of the Legislature.

Mr. Pratt offered the following resolution, which was adopted:

Resolved, That the State Treasurer be requested to communicate to the Convention the names and locations of each of

the corporations companies and associations, doing business in this State, which are required to pay a specific tax, the amount of their capital stock, the rate per cent. required, the amount of taxes paid annually, and the amount unpaid, if any.

Mr. Alexander offered the following resolution, which was adopted:

Resolved, That the State printer be requested to furnish the Convention with a list of the names of all the newspapers to whom he forwards the daily journal and debates, in accordance with the resolution adopted by this Convention.

Mr. Aldrich offered the following resolution:

Resolved, That each member of this Convention, entitled to the same, be furnished by the Postmaster, with postage stamps sufficient for stamping the documents he is entitled to send, for each and every day's session: *Provided*, that the Postmaster shall keep a just and true account of the stamps issued to each member daily.

Mr. P. D. Warner offered the following amendment, which was agreed to:

Provided further, That no member shall be entitled to receive more than ten dollars for the session.

Od motion of Mr. Bradley,

The resolution was laid on the table.

UNFINISHED BUSINESS.

The President announced the following committees, in pursuance of resolutions adopted by the Convention:

Committee on the Upper Peninsula—Messrs. Burtenshaw, Longyear, Conger, McKernan, Gulick.

Committee on Crimes and Punishments—Messrs. Norris, Howard, Yeomans, Murray, Corbin.

IN COMMITTEE OF THE WHOLE.

On motion of Mr. Pringle,

The Convention went into committee of the whole, on the general order,

Mr. Longyear in the chair.

The committee resumed the consideration of Article No. XI, of the Constitution, entitled "Townships."

The question being on the amendment of Mr. Bills, as amended, it was agreed to.

Mr. Farmer moved to further amend section 1, by striking out of the second and third lines, the words: "commissioner of highways."

Mr. Luce moved to amend the amendment, by striking out of the third line the words "and one overseer of highways for each highway district;" which was accepted.

After some debate thereon,

Mr. Ferris moved that the committee rise, report progress and ask leave to sit again.

The motion prevailed.

IN CONVENTION.

The committee, through the chairman, submitted the following report:

The committee of the whole have had under consideration Article XI of the Constitution, entitled "Townships,"

Have made some progress therein, but not having gone through therewith, have directed me to report that fact to the Convention, and ask leave to sit again.

J. W. LONGYEAR, *Chairman.*

The report was accepted.

Leave was granted the committee to sit again.

Mr. Lovell moved that the Convention adjourn;

Which motion did not prevail.

On motion of Mr. Ferris,

The Convention took a recess until 2½ o'clock.

AFTERNOON SESSION.

2½ o'clock P. M.

The Convention was called to order by the President.

Roll called: a quorum present.

Mr. Root, unanimous consent being given, offered the following resolution, which was adopted:

Whereas, This Convention has been from day to day greatly annoyed and interrupted in its deliberations, by the disorderly and incoherent remarks of one of its members; therefore,

Resolved, That it be referred to a committee of five, to ascertain and report what measures are necessary to protect the Convention from such annoyances and interruptions.

The President appointed as such committee, Messrs. Root, Andrus, Leach, Morton and Pringle.

IN COMMITTEE OF THE WHOLE.

On motion of Mr. Aldrich,

The Convention went into committee of the whole, on the general order,

Mr. Longyear in the chair.

The committee resumed the consideration of Article No. XI, entitled "Townships."

The question being on the amendment of Mr. Farmer, as amended, it was not agreed to.

Mr. P. D. Warner moved to amend section 1, by adding after the word "treasurer," in the second line, the words, "one school inspector;"

Which was agreed to.

Mr. Root moved to amend the section, by inserting after the word "clerk," in the second line, the words, "who shall be *ex officio* school inspector;"

Which motion did not prevail.

The question recurring on the substitute offered by Mr. Utley, it was not adopted.

Mr. Harris offered the following substitute for section 1:

Section 1. There shall be elected annually, on the first Tuesday in March, in each organized township, one supervisor and one township clerk, who shall be *ex officio* school inspectors; one township treasurer, not exceeding four constables, and one overseer of highways for each highway district, who shall hold their offices for one year, and until their successors are elected and qualified, and one highway commissioner, who shall hold his office for three years, and such other township officers as the Legislature may by law provide.

The substitute was not adopted.

Mr. Sutherland moved that section three be stricken out;

Which motion prevailed.

Mr. Crocker offered the following substitute for the entire article:

ARTICLE —.

TOWNSHIPS.

SECTION 1. In each organized township there shall be held on the first Tuesday of March, in each year, a township meeting.

Sec. 2. The terms of office, powers and duties of township officers shall be prescribed by law.

Sec. 3. Each organized township shall be a body corporate, with such powers and immunities as shall be prescribed by law. All suits and proceedings by or against townships, shall be in the name thereof.

The substitute was not adopted.

Mr. Thompson offered the following substitute for the entire article.

ARTICLE —

TOWNSHIPS.

Section 1. The annual meeting for the election of township officers shall be held on the first Tuesday of March.

Sec. 2. The township officers shall consist of one supervisor, one township clerk, one township treasurer, one commissioner

of highways, one school inspector, not exceeding four constables and one overseer of highways for each highway district, who shall hold their offices for one year and until their successors are elected and qualified. The supervisor and township clerk shall be ex-officio members of the board of commissioners of highways.

Sec. 3. The powers and duties of all township officers shall be prescribed by law.

The substitute was not adopted.

Mr. P. D. Warner moved that the committee rise, report the article back to the Convention, recommend that the amendments made thereto, be concurred in, and ask to be discharged from the further consideration of the subject.

The motion prevailed.

IN CONVENTION.

The committee, through the chairman, submitted the following report:

The committee of the whole have had under consideration article numbered XI, entitled "Townships;"

Have made sundry amendments thereto, and have directed their chairman to report the same back to the Convention, asking concurrence therein, and recommend its passage.

J. W. LONGYEAR, *Chairman.*

Report accepted.

Mr. Longyear moved that the amendments made by the committee of the whole, be concurred in;

Which motion prevailed.

Mr. Pringle moved that Article XI, of the present Constitution, except the time specified for holding the annual spring session be substituted for the article under consideration;

Which motion did not prevail.

Mr. Turner moved that the following be added to the proposed article to stand as section three:

Sec. 3. It shall be the duty of the Legislature, after the adop-

tion of this Constitution, to change the names of townships so that there shall be no two of the same name;

Which was not agreed to.

The article was then referred to the committee on arrangement and phraseology, for arrangement, correction and engrossment, and ordered placed on the order of third reading.

On motion of Mr. Willard,

The Convention adjourned.

FOURTEENTH DAY.

Lansing, Friday, May 31, 1867.

The Convention was called to order by the President at 10 o'clock A. M.

Prayer by Rev. Mr. McIntire.

Roll called: a quorum present.

Absent without leave, Messrs. Parsons, Musgrave and Utley.

Mr. Burtch asked and obtained leave of absence for Mr. Musgrave, for an indefinite time.

Mr. Ferris asked and obtained leave of absence for Mr. McKernan, for an indefinite time, on account of sickness in his family.

Mr. Chapin asked and obtained leave of absence for Mr. Utley, for an indefinite time.

Mr. Bradley asked and obtained leave of absence for himself, until Tuesday next.

Mr. Sutherland asked and obtained leave of absence for himself, for an indefinite time, after to-day.

Mr. Williams asked and obtained leave of absence for himself, until Tuesday next.

Mr. Withey asked and obtained leave of absence, until Wednesday next.

Mr. Giddings asked and obtained leave of absence for himself, until Tuesday next, after to-day.

Mr. Alexander asked and obtained leave of absence for himself, until Tuesday next.

Mr. Sheldon asked and obtained leave of absence for himself, until Monday night next.

Mr. Lothrop asked and obtained leave of absence for himself, until Wednesday morning next.

Mr. Miller asked and obtained leave of absence for himself, until Wednesday evening next.

Mr. Van Riper asked and obtained leave of absence for himself, until Wednesday evening next.

Mr. Howard asked and obtained leave of absence for himself, until Tuesday next.

Mr. Farmer asked and obtained leave of absence for himself, until Wednesday next.

Mr. Winans asked and obtained leave of absence for Mr. Lawrence and himself, until Wednesday next.

Mr. M. C. Watkins asked and obtained leave of absence for himself, until Wednesday next.

Mr. T. G. Smith asked and obtained leave of absence for himself, until Wednesday next.

Mr. Stoughton asked and obtained leave of absence for Mr. Hull and himself, until Wednesday next.

Mr. Goodwin asked and obtained leave of absence for himself, until Wednesday next.

Mr. Divine asked and obtained leave of absence for himself, until Wednesday next.

Mr. Holmes asked and obtained leave of absence for himself, until Wednesday next.

Mr. Pratt asked and obtained leave of absence for himself, until Wednesday next.

Mr. Germain asked and obtained leave of absence for himself, until Wednesday next.

Mr. Alexander moved to take from the table the following resolution:

Resolved, That when this Convention adjourn on Friday, the 31st inst., it adjourn until Wednesday, the 5th of June."

Mr. Birney moved to amend by striking out "Wednesday" and inserting "Thursday", in lieu thereof.

Mr. Lothrop demanded the previous question.

The demand was sustained, and the main question ordered.

The question being upon the amendment offered by Mr. Birney, it was lost.

The question being upon the adoption of the resolution,

Mr. Leach demanded the yeas and nays.

The demand was supported, and

The resolution was not adopted, the following being the vote thereon:

YEAS.

| | | |
|----------------|-------------|----------------|
| Mr. Alexander, | Mr. Hixson, | Mr. Root |
| Andrus, | Holmes, | Sawyer, |
| Barber, | Holt, | T. G. Smith, |
| Case, | Howard, | Stockwell, |
| Chapin, | Hull, | Stoughton, |
| Crocker, | Huston, | Sutherland, |
| Daniells, | Lawrence, | Tyler, |
| Divine, | Lothrop, | Van Riper, |
| Duncombe, | McConnell, | W. E. Warner, |
| Farmer, | Miller, | F. C. Watkins, |
| Germain, | Morton, | White, |
| Giddings, | Pratt, | Winans, |
| D. Goodwin, | Richmond, | Williams, 39 |

NAYS.

| | | |
|--------------|--------------------|-----------------|
| Mr. Aldrich, | Mr. W. F. Goodwin, | Mr. Rafter. |
| Bills, | Gulick, | Shearer, |
| Birney, | Harris, | Sheldon, |
| Blackman, | Henderson, | Thompson, |
| Bratley, | Lamb, | Turner, |
| Brown, | Leach, | Van Valkenburg, |
| Burtch, | Longyear, | Walker, |
| Chapman, | Lovell, | P. D. Warner, |
| Coolidge, | Luce, | M. C. Watkins, |
| Conger, | McClelland, | Willard, |
| Corbin, | Miles, | Withey, |
| Desnoyers, | Mussey, | Woodhouse, |
| Elliott, | Ninde, | Wright, |
| Estee, | Norris, | Yeomans, |
| Ferris, | Pringle, | President, 45 |

Pending the announcement of the vote,

Mr. Howard moved that Mr. Burtch be excused from voting;

Which motion did not prevail.

Mr. Burtch then voted as recorded.

Mr. McClelland moved to reconsider the vote by which the resolution was not passed;

Which motion prevailed.

The question then being upon the adoption of the resolution,

Mr. Leach demanded the yeas and nays.

The resolution was adopted, the following being the vote thereon:

YEAS.

| | | |
|----------------|----------------|----------------|
| Mr. Alexander, | Mr. Henderson, | Mr. Root, |
| Andrus, | Hixson, | Sawyer, |
| Bills, | Holmes, | Sheldon, |
| Birney, | Holt, | T. G. Smith, |
| Bradley, | Howard, | Stockwell, |
| Case, | Hull, | Stoughton, |
| Chapin, | Huston, | Sutherland, |
| Conger, | Lawrence, | Tyler, |
| Crocker, | Longyear, | Van Riper, |
| Daniells, | Lothrop, | W. E. Warner, |
| Divine, | Luce, | F. C. Watkins, |
| Duncombe, | McClelland, | White, |
| Elliott, | McConnell, | Willard, |
| Farmer, | Miller, | Winans, |
| Germain, | Morton, | Withey, |
| Giddings, | Mussey, | Williams, |
| W. F. Goodwin, | Pratt, | Woodhouse, |
| D. Goodwin, | Pringle, | President, |
| Gulick, | Richmond, | |

56

NAYS.

| | | |
|--------------|-------------|-----------------|
| Mr. Aldrich, | Mr. Ferris, | Mr. Shearer, |
| Barber, | Harris, | Thompson, |
| Blackman, | Lamb, | Turner, |
| Brown, | Leach, | Van Valkenburg, |
| Chapman, | Lovell, | Walker, |
| Coolidge, | Miles, | P. D. Warner, |
| Corbin, | Ninde, | M. C. Watkins, |
| Desnoyer, | Norris, | Wright, |
| Estee, | Rafter, | Yeomans, |

27

PRESENTATION OF PETITIONS.

By Mr. Holt: petition of Fred. Becktel, Klaus Brown and 173

others, citizens of Grand Haven, Ottawa county, praying for the enactment of a license clause in the new Constitution;

By the same: petition of Lewis Eihardt, August Wedomsky and 259 others, citizens of Spring Lake, Ottawa county, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. D. Goodwin: petition of Duncan Stewart, H. P. Bridge, John G. Erwin, President of the Board of Trade, J. S. Booth, Secretary of the Metropolitan Police, John B. Stader, Detective Metropolitan Police, J. R. Jones, J. L. King, John Pidgeon and 80 others, of Detroit, asking for the repeal of the present clause in the Constitution against a license law.

Referred to the committee on intoxicating liquors.

By Mr. Turner: petition of G. W. Goffrey, M. Bady and 107 others, of Corunna, Shiawassee county, for a provision authorizing the license of the sale of wines, liquors, &c.

Referred to the committee on intoxicating liquors.

By Mr. Sutherland: petition of B. Henig, L. Tranke and 100 others, of Saginaw city, Saginaw county, on the same subject:

By the same: petition of Geo. Schick and Carl Kinzmann, of Saginaw City, and 134 others of Saginaw City, Saginaw county, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. Stoughton: petition of D. Joseph, B. Millard, D. D. Throp, R. E. Case, J. W. Fey and John W. Hoffman, and 204 other legal voters of St. Joseph county, asking for the repeal of section 47, article 4, of the present Constitution, and in lieu thereof a safe and well secured license law.

Referred to the committee on intoxicating liquors.

By Mr. Winans: petition of Jos. T. Titus, Joseph Finsterwald and 36 others, of Howell, Livingston county, for a provision authorizing the licensing of the sale of wines and liquors, &c.

Referred to the committee on intoxicating liquors.

By Mr. McClelland: petition of Herman Keifer, Arnold

Kaichen, Mrthias Kramer, C. Marxhausen and 4,803 others, citizens of Detroit, Wayne county, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. Lothrop: memorial of the Mayor of Detroit, President *pro tem.* of the Common Council and City Clerk, presenting the proceedings of the Common Council of Detroit on the subject of a license law.

Referred to the committee on intoxicating liquors, and ordered printed in the Journal.

The communication and memorial are as follows:

To the Constitutional Convention:

The memorial of the Mayor of the city of Detroit, of the President *pro tem.* of the Common Council, and of the City Clerk of said city, respectfully represents:

That they are a committee appointed by the Common Council of the city of Detroit to lay before the Constitutional Convention the proceedings of said Council, upon the subject of a license for the sale of spirituous and intoxicating liquors.

They have the honor now to submit herewith a certified copy of said proceedings, and they respectfully ask from the Convention that careful and mature consideration which the subject demands.

M. I. MILLS, *Mayor,*

GEO. C. CODD, *President pro tem.,*

HENRY STARKEY, *City Clerk.*

At a session of the Common Council of the city of Detroit, held on the twenty-first day of May, in the year of our Lord one thousand eight hundred and sixty seven, Alderman Laible offered the following preamble and resolutions:

" *Whereas*, For several years past the law known as the prohibitory, or 'Maine Liquor Law,' has been nominally in force in this State, and has proved (in cities especially) a complete failure, without any moral or pecuniary compensation to the public, but, on the contrary, has been a fruitful source of generating ill-feeling between various classes of citizens, multiplying rather than restricting the evils sought to be suppressed by

the same, and increasing the difficulties attending the efforts on the part of the city authorities to enforce good order and maintain the public peace; and

" *Whereas*, It is the opinion of this Common Council that, by the means of a properly framed license law for the regulation of places where liquors are kept for sale, the number of such places might be greatly reduced, and the revenue derived from those remaining be made to pay the large police tax of the city, thereby lessening the chances for evil and rendering these places subjective to law and order, whilst they themselves would thus be compelled to contribute the means to defray the expenses attending the enforcement of their government; therefore,

" *Resolved by this Common Council*, That we most respectfully request the members of the Constitutional Convention, now in session at Lansing, to incorporate a clause in the forthcoming new Constitution, granting the right to the several incorporated cities of this State to enact, by and through their respective corporate authorities, a proper license law, to impose and collect a license tax from persons engaged in the sale of spirituous or malt liquors, either at wholesale or retail, with all proper powers to make regulations and enforce the same.

" *Resolved*, That His Honor the Mayor, together with the President *pro tem.* of this Council, and the City Clerk, be and are hereby appointed a committee to forward to the Constitutional Convention a certified copy of the above preamble and resolutions, accompanied by such communication to further the objects as they may deem best and proper."

Adopted as follows:

YEAS—Ald. Allison, Bagley, Considine, Coots, Copland, Howe, Kremer, Laible, Langley, Mellus, Olewine, Purcell, Ruehle, Schmittziel, Stewart, Wier, President *pro tem.*—17.

NAYS—Ald. Phelps—1.

A true copy.

GEO. C. CODD,

President pro tem. of the Common Council.

Attest: HENRY STARKEY, *City Clerk.*

By Mr. Conger: petition of J. Assman, M. Hohn, Wm. T. Mitchell, H. Harzog and 73 others, of Port Huron, St. Clair county, for a provision authorizing the licensing of the sale of wines and liquors, &c.

Referred to the committee on intoxicating liquors.

By Mr. Pringle: petition of Henry Gass and Henry Beck, and 121 others, of Jackson, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. Henderson: petition of B. Faust, John M. Kast and 131 others, of Marshall, Calhoun county, on the same subject;

Referred to the committee on intoxicating liquors.

By Mr. Stockwell: petition of Sampson Sammons, M. D. Band and 52 others, citizens of Adrian, Lenawee county, on the same subject;

By the same: petition of Louis Wagner, G. J. Frank and 705 others, citizens of Adrian, Lenawee county, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. Sawyer: petition of James Lowe, H. A. Grinell and 74 others, citizens of Hudson, Lenawee county, on the same subject;

By the same: petition of Charles Lowe and James Westfall, and 87 others, citizens of Hudson, Lenawee county, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. Willard: petition of John Stahl and Carl Halder, and 47 others, of Battle Creek, Calhoun county, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. Giddings: petition of William A. Wood, T. P. Sheldon, L. Hull, S. S. Cobb, Chas. E. Stuart, Geo. H. Gale, R. S. Babcock, James A. Walter, T. S. Cobb, Alexander Cameron and 165 others, citizens of Kalamazoo, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. M. C. Watkins: petition of E. C. Watkins and 72 others, legal voters of Kent county, praying that section 47,

article 4, in the present Constitution, may be retained in the new one.

Referred to the committee on intoxicating liquors.

By Mr. W. E. Warner: petition of B. J. Stimson, Geo. W. Bissell, A. Smith Bagg & Son, E. M. Clark, John Hutchings and 29 others, citizens of Detroit, praying for a clause in the Constitution making it the duty of the Legislature to pass a license law.

Referred to the committee on intoxicating liquors.

By Mr. Crocker: petition of John Johr, E. Q. Chamberlin, L. Axford, Casper Johr and 105 others, citizens of New Baltimore, Macomb county, praying a provision may be inserted in the new Constitution authorizing licensing of the sale of wines and liquors;

By the same: petition of Charles Ratfield and Jos. Pulcher, of Erin, and 70 others of Erin, Macomb county, on the same subject;

By the same: petition of Gustavus Schuchard, L. Alhicht and 41 others, of Rossville, Macomb county, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. Coolidge: petition of Henry Kertz, John Viser, Robert Bretner Snider, Emil Backman and 96 others, of Niles, Berrien county, praying the repeal of section 47, article 4, &c.

Referred to the committee on intoxicating liquors.

By Mr. Lovell: petition of Charles Avery and Porter Hazelton, of Flint, and 43 others, of Flint, Genesee county, for a provision authorizing the licensing of the sale of wines and liquors, &c.

Referred to the committee on intoxicating liquors.

By Mr. Birney: petition of Wm. H. Curney, E. E. Jennison and 114 others, of Bay county, asking that section 47, article 4, may be retained;

By the same: petition of C. P. Nash, L. A. Maxen and 13 others, of Bay county, on the same subject.

Referred to the committee on intoxicating liquors.

By the same: petition of A. V. Bloomingall and 27 others, of Bay county, asking that the granting of licenses may be effectually prohibited.

Referred to the committee on intoxicating liquors.

By Mr. White: petition of O. D. Rowe, J. W. Brakeman, Titus Doan and 42 others, citizens of the township of Wayland, Allegan county, praying that section 47, article 4, of the present Constitution, be retained in the new;

By the same: petition of John Randall, Syrene Stoddard, A. W. Albus and 85 others, citizens of Allegan county, asking for the repeal of the clause in the present Constitution prohibiting the issuing of licenses for the sale of wines and liquors, and the adoption of a well secured license system.

Referred to the committee on intoxicating liquors.

By Mr. Willard: petition of Jeremiah Brown, Wm. Merritt, M. T. Hinman, T. B. Skinner, V. P. Collier, Wakelee S. S. French and 235 others, citizens and legal voters of the city of Battle Creek and vicinity, asking for the retention of section 47, article 4, of the present Constitution;

By the same: petition of C. U. Cooper, A. R. Campbell, J. Snow, H. E. Bartlett, M. Bennett and 182 others, citizens of Battle Creek, on the same subject;

By the same: petition of E. C. Manchester, Geo. T. Bowne, E. D. Stillson, J. E. Angell and G. B. Manchester, and 75 others, citizens of Bedford, Calhoun county, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. McConnell: petition of M. T. Brackett, R. B. Hughes, N. S. Booth and 59 other legal voters of Bellevue, Eaton county, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. Van Valkenburgh: petition of H. Woodward, E. M. Stickney, A. B. Cudworth and 60 others, of Pontiac, Oakland county, for a provision in the Constitution authorizing the licensing of the sale of wines and liquors.

Referred to the committee on intoxicating liquors.

By Mr. Aldrich: petition of O. R. Hight and 120 others, citi-

zens of Cass county, for a license law for the manufacture and sale of intoxicating liquors.

Referred to the committee on intoxicating liquors.

By Mr. Holmes: memorial of Lodge No. 283, of the Independent Order of Good Templars, of the village of Albion, Calhoun county, praying for the retention of the clause in the State Constitution prohibiting the sale of intoxicating liquors.

Referred to the committee on intoxicating liquors.

By Mr. Daniells: petition of Richard Baylor, Charles Rumstead and 42 others, citizens of St. Johns, Clinton county, for a provision authorizing the licensing of the sale of wines and liquors.

Referred to the committee on intoxicating liquors.

By Mr. Bradley: petition of R. S. Hawley, R. H. Wam, S. T. Brown and 40 others, electors of Kalamazoo county, for maintaining the section prohibiting licenses in the Constitution.

Referred to the committee on intoxicating liquors.

By Mr. Yeomans: petition of E. R. Powell, A. B. Clark, Allen Sage, Fred. Pilgrim, John Lehn and others, of Ionia, for a provision authorizing the license of the sale of wines and liquors.

Referred to the committee on intoxicating liquors.

By Mr. Murray: petition of S. Buchanan and 120 others, of Kent county, asking that article 4, section 47, of the present Constitution, be retained in the new instrument;

By the same: petition of Alonzo Hildreth and 115 others, citizens of Kent county, on the same subject;

By the same: petition of Z. V. Chenay and 39 others, citizens of Kent county, on the same subject;

By the same: petition of A. E. McCulloch and 50 others, citizens of Ottawa county, on the same subject.

Referred to the committee on intoxicating liquors.

By the same: petition of E. M. Eddy and 24 others, asking that the right of suffrage may be secured, upon equal terms, to both men and women.

Referred to the committee on elections.

By Mr. Barber: petition of Geo. Kappler and B. Lexer, and 207 others, of Coldwater, Branch county, for a provision authorizing the licensing of the sale of wines and liquors.

Referred to the committee on intoxicating liquors.

By Mr. Luce: petition of S. L. Graham, Samuel Booth and 31 other men, and Angeline E. Mather, Mary M. Marsh and 36 other women, residents of Branch county, praying for equal suffrage to men and women.

Referred to the committee on elections.

By Mr. Pratt: petition of J. W. Tully, H. F. Kellogg, H. Waldron, W. R. Montgomery and 41 others, praying that all fines incurred be credited to the poor fund.

Referred to the committee on finance and taxation.

By Mr. Ferris: petition of Reuben Seely, of Lapeer county, as to exemptions, &c.

Referred to the committee on exemptions.

REPORTS OF STANDING COMMITTEES.

By the committee on arrangement and phraseology:

The committee on arrangement and phraseology, to whom was referred the article on townships,

Respectfully report that they have had the same under consideration, and have directed me to report the same back without amendment, and ask to be discharged from the further consideration of the subject.

T. NINDE, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Conger,

The report was laid on the table.

REPORTS OF SELECT COMMITTEES.

By the select committee on clergy:

The committee to whom was referred the duty of inquiring into the propriety of compensating the resident pastors of this city for their services in this Convention, by a resolution offered by the gentleman from Wayne, and adopted by the Convention

on the 29th inst., do respectfully report that they have had the same under consideration and recommend the adoption of the following resolution, and respectfully ask to be discharged:

Resolved, That the clergymen attending the sessions of this Convention upon its invitation, shall respectively receive the same per diem compensation as members of the Convention, for their services in opening our daily sessions with devotional exercises.

J. VAN VALKENBURGH,
MILTON BRADLEY.

On motion of Mr. Giddings,

The report was recommitted to the committee, with instructions so to amend the resolution that it shall provide only for paying clergymen when they officiate.

COMMUNICATIONS FROM STATE OFFICERS.

The President announced the following:

STATE TREASURER'S OFFICE, }
Lansing, May 31, 1867. }

HON. CHARLES M. CROSWELL, *President of the Constitutional Convention*:

SIR—I have the honor to acknowledge the receipt of the following resolution, adopted by the Constitutional Convention on the 30th inst:

“*Resolved*, That the State Treasurer be requested to communicate to the Convention the names and locations of each of the corporations, companies and associations doing business in this State, which are required to pay a specific tax, the amount of their capital stock, the rate per cent. required, the amount of taxes paid annually, and the amount unpaid, if any.”

I would respectfully state that I am not in possession of the reports or data from which the desired information must be compiled; for, by the provisions of act No. 22, laws of 1853, (page 337, compiled laws,) “All reports of the amount of capital stock of incorporated bodies paying specific taxes, hereafter

received by any State officer, shall be placed on file in the Auditor General's office, within one week after their receipt."

Very respectfully yours,

E. O. GROSVENOR, *State Treasurer.*

The communication was laid on the table.

MOTIONS AND RESOLUTIONS.

Mr. Farmer offered the following resolution:

Resolved, That the committee on education be instructed to inquire into the expediency of incorporating in the Constitution a clause prohibiting the requirement for admission to the University, Normal or other public schools of any tests, except literary attainment and moral character.

Referred to the committee on education.

Mr. Norris offered the following resolution, which was adopted:

Resolved, That the committee on intoxicating liquors are requested to accompany their report with the number of petitioners for and against, the prohibitory clause in the Constitution.

Mr. McConnell offered the following resolution:

Resolved, That the committee on the executive department be requested to take into consideration the propriety of so amending the Constitution as that the office of Lieutenant Governor shall be discontinued; and that the Senate may elect one of their number President, who shall, by virtue of his office, perform the functions of the office of Governor, in case of vacancy, by death or otherwise.

Referred to the committee on executive department.

Mr. Pratt offered the following resolution, which was adopted:

Resolved, That the Auditor General be requested to communicate to the Convention the names and locations of each of the corporations, associations and companies, doing business in this State, which are required to pay a specific tax, the amount of their capital stock, the rate per cent. required, the amount of taxes paid annually, and the amount unpaid, if any.

Mr. Birney moved to amend Rule 22, of the standing rules of the Convention, by adding thereto the following:

After the report the article shall still be subject to debate and amendment before the question to engross is put; but such amendments only shall be in order as were offered and decided in committee of the whole, except by unanimous consent.

After some debate thereon,

The amendment was laid on the table.

IN COMMITTEE OF THE WHOLE.

On motion of Mr. Mussey,

The Convention went into committee of the whole, on the general order,

Mr. McClelland in the chair.

Mr. Mussey moved to strike out all after to word "purposes," in the second line, to and including the word "laws," in the fourth line.

Mr. Stoughton moved to amend the amendment by inserting in place of the words proposed to be stricken out, the following, "unless by a vote of two-thirds of the members elected to each House."

Mr. Chapin moved that the committee rise, report progress, and ask leave to sit again.

The motion prevailed.

IN CONVENTION.

The committee, through the chairman, submitted the following report:

The committee of the whole have had under consideration Article —, entitled "Corporations other than Municipal;"

Have made some progress therein, but not having gone through therewith, have directed me to report that fact to the Convention, and ask leave to sit again.

R. McCLELLAND, *Chairman.*

Report accepted.

Leave was granted to the committee to sit again.

On motion of Mr. Morton,

The Convention took a recess until 2½ o'clock P. M.

AFTERNOON SESSION.

2½ o'clock P. M.

The Convention was called to order by the President.

Roll called: a quorum present.

IN COMMITTEE OF THE WHOLE.

On motion of Mr. Lovell,

The Convention went into committee of the whole, on the general order,

Mr. McClelland in the chair.

The committee resumed the consideration of the article entitled "Corporations other than Municipal."

Mr. Pringle offered the following substitute for section 1:

Corporations to transact business as common carriers, banks or insurance companies, shall be formed only under general laws.

No special charter other than for municipal, religious, literary or charitable purposes, shall be granted, except by a two-thirds vote of all the members elected to each House.

All laws passed pursuant to this section may be altered, amended or repealed.

Pending amendments were withdrawn, and the substitute offered by Mr. Pringle was agreed to.

Mr. Van Riper offered the following, to stand as section 2, between sections 1 and 2, as in the printed article:

Sec. 2. No banking law, or law for banking purposes, or amendments thereof, shall have effect, until the same shall, after its passage, be submitted to a vote of the electors of the State, at a general election, and be approved by a majority of the votes cast thereon at such election.

After some debate, the amendment was withdrawn.

Mr. Farmer moved to strike out section 2;

Which motion did not prevail.

Mr. Bills moved to strike out the words "in specie," at the end of section 3.

Mr. Blackman moved to amend the amendment, by inserting in place of the words proposed to be stricken out, "in lawful money of the United States;"

Which was accepted.

Mr. Pringle demanded the previous question.

The demand being sustained, and the main question ordered,

The amendment as amended was agreed to.

Mr. Williams moved to insert after the word "money," in the second line of section 3, the words "by any bank organized under the laws of this State."

Mr. Miles moved that the committee rise, report progress and ask leave to sit again.

The motion prevailed.

IN CONVENTION.

The committee, through the chairman, submitted the following report:

The committee of the whole have had under consideration Article —, entitled "Corporations other than municipal;"

Have made some progress therein, but not having gone through therewith, have directed me to report that fact to the Convention, and ask leave to sit again.

R. McCLELLAND, *Chairman.*

Report accepted.

Leave was granted the committee to sit again.

Mr. Lovell moved that the Convention adjourn;

Which motion did not prevail.

On motion of Mr. Alexander,

The Convention adjourned untill 11 o'clock on Wednesday next.

FIFTEENTH DAY.

Lansing, Wednesday, June 5, 1867.

The Convention was called to order by the President at 11 o'clock A. M.

Prayer by Rev. Mr. Potter.

Roll called: a quorum present.

Absent without leave, Messrs. Birney, Desnoyers, Germain, Giddings, Gulick, Holt, Howard, Lamb, Lothrop, Murray, Richmond, Stoughton, P. D. Warner, F. C. Watkins, Winans, Williams and Yeomans.

Mr. McClelland asked and obtained leave of absence for Mr. Lothrop, for an indefinite time.

Mr. Turner asked and obtained leave of absence for Mr. Gulick, for an indefinite time, on account of sickness.

Mr. Leach asked and obtained leave of absence for Mr. Lamb, for an indefinite time, on account of sickness.

Mr. Walker asked and obtained leave of absence for Mr. Williams, until to-morrow.

Mr. Lawrence asked and obtained leave of absence for Mr. Winans, until Friday next.

Mr. Shearer asked and obtained leave of absence for Mr. Desnoyers, for an indefinite time.

Mr. Hixson asked and obtained leave of absence for Mr. Richmond, for an indefinite time.

Mr. W. E. Warner asked and obtained leave of absence for Mr. W. A. Smith, for an indefinite time.

Mr. M. C. Watkins asked and obtained leave of absence for Mr. Yeomans, for the day.

Mr. Lovell asked and obtained leave of absence for Mr. Howard and Mr. T. G. Smith, for an indefinite time.

Mr. McConnell asked and obtained leave of absence for Mr. P. D. Warner, for an indefinite time.

Mr. Lawrence asked and obtained leave of absence for Mr. Holt, until Saturday morning next.

Mr. Van Valkenburgh asked and obtained leave of absence for Mr. Germain, for the day.

Mr. Hull asked and obtained leave of absence for Mr. Stoughton, for an indefinite time.

Mr. White asked and obtained leave of absence for Mr. Giddings, for the day.

PRESENTATION OF PETITIONS.

By Mr. Walker: petition of Moses Bartow, Anthony Cook, Joseph Platte and 183 others, citizens of Westphalia, Clinton county, praying for a license law for the sale of liquors, &c.

Referred to the committee on intoxicating liquors.

By Mr. McClelland: petition of Frederick Pfiefe and John Adam Weber, and 120 others, citizens of Detroit, Wayne county, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. W. E. Warner: petition of J. Clark, H. M. Taylor and 47 others, citizens of Ionia, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. White: petition of H. N. Tubbs, Norton Briggs, E. E. Hoyt and 40 others, legal voters of the township of Wayland, Allegan county, asking for the retention of section 47, article 4, of the present Constitution, in the new.

Referred to the committee on intoxicating liquors.

By Mr. Purcell: petition of Willard Parker, C. H. Safford and 26 others, citizens of Detroit, for the repeal of article 4, section 47, of the present Constitution and in lieu thereof a good license law.

Referred to the committee on intoxicating liquors.

By Mr. Thompson: petition of N. S. Sharp, Ethil Judd, William Cutter, J. M. Hicks and 144 others, legal voters of Hillsdale county, Mich., praying that Section 47, Article 4, of the old Constitution be retained in the new.

Referred to the committee on intoxicating liquors.

By Mr. Thompson: petition of Mrs. O. C. Streeter, Mrs. Manerva Bagley, Miss Harriet Center, Miss Edna H. Jackson, and 96 others, ladies of Adams, Hillsdale county, Mich., on the same subject;

By the same: petition of Social Lodge No. 47, of I. O. G. T., signed by the officers of said Lodge in behalf of its 200 members, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. Pratt: petition of W. H. Rowley, D. A. Strong, and 29 others, on the same subject.

Referred to the committee on intoxicating liquors

By Mr. Estee: petition of W. H. Nelson, Milton Bradley, Albert Fox, C. C. Fouch, J. A. Bentley and 25 others, legal voters of the county of Isabella, asking for impartial suffrage for men and women.

Referred to the committee on elections.

By Mr. Hazen: petition of A. S. Welch, S. W. Gilbert and 25 others, citizens of Memphis, St. Clair county, Mich., praying for a provision to be inserted in the new Constitution making the crime of murder in the first degree punishable with death.

Referred to the committee on crimes and punishments.

By the same: petition of Robert Thial, Michael Pandergast and 32 others, citizens of Wales, St. Clair county, praying for the repeal of article 4, section 47, of the Constitution.

Referred to the committee on intoxicating liquors.

By Mr. Divine: petition of Amos James and 47 others, citizens of Lexington, in the county of Sanilac, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. Holmes: petition of Wm. W. Collins and 44 others, of Calhoun county, legal voters, praying that section 47, article 4, of the present Constitution, relative to intoxicating liquors, be retained in the new instrument.

Referred to the committee on intoxicating liquors.

By Mr. Woodhouse: petition of John B. Dakin, A. P. Ferguson, M. Hawcroft, S. P. Hendricks and 69 others, legal voters of Ingham county, praying for the preservation of the present prohibitory liquor law in the new Constitution.

Referred to the committee on intoxicating liquors.

By Mr. Crocker: petition of Hon. R. P. Eldredge, John H. Connor, Haswell Church, Charles Ulrich, William Longstaff, John Stockton, and 420 others, citizens of Mt. Clemens, Macomb Co., praying for the repeal of Section 47, of Article 4, of the present Constitution, and the adoption in lieu thereof, of a provision for a well regulated license law.

Referred to the committee on intoxicating liquors.

By Mr. Corbin: petition of Chooris Gradoff, John Ellis, Wm. Wessinger, and 120 other citizens of Summerfield, Monroe county for a stringent license law, and opposed to prohibition;

By the same: petition of A. Slayton, Stephen Rawson, J. H. Cassady, and 47 others, citizens of Dundee, Monroe county, asking for a license law;

By the same: petition of Augustus Glenn, James Nelson, Charles Chapman, and 27 others, citizens of Dundee, Monroe county, asking for a stringent license law.

Referred to the committee on intoxicating liquors.

By Mr. Rafter: petition of C. M. Berghospher, William Schein, and 103 others of the citizens of the towns of Ash and Exeter, Monroe county, praying for the repeal of Section 47, Article 4, of our present Constitution, and in lieu thereof, a law granting licenses for the sale of liquors, &c.

Referred to the committee on intoxicating liquors.

By Mr. Morton: petition of E. J. Boyd, W. A. Noble, S. B. Lewis and 40 others, citizens of Monroe county, to have all fines in criminal cases placed to the credit of the fund for the support of the poor.

Referred to the committees on education, and finance and taxation, jointly.

By the same: preamble and resolution of the Common Council of the city of Monroe, praying the Constitutional Convention for a license law for incorporated cities.

Referred to the committee on intoxicating liquors.

By Mr. Walker: petition of Charles Farmer and 97 others,

citizens of Ovid, Clinton county, in favor of a clause for a license law.

Referred to the committee on intoxicating liquors.

By Mr. Blackman: petition of Hon. J. J. Woodman, member of the House of Representatives, Thos. O. Ward, editor of the True Northerner, A. C. Glidden, supervisor, and 111 others, legal voters of Van Buren county, praying that section 47, of article 4, of our present Constitution, be retained in the new Constitution;

By the same: petition of A. H. Herron, county clerk, E. P. Hill, register of deeds, C. Richard, judge of probate, E. R. Farmer, sheriff, Silas Reed, supervisor, E. M. Gliddon, supervisor, E. A. Thompson and S. T. Conway, assistant assessors, U. S., O. S. Abbott, deputy collector, O. F. Parker, postmaster, and 252 others, legal voters of Van Buren county, praying that section 47, of article 4, of the present Constitution, be retained in the new Constitution;

By the same: petition of E. Barnum, county treasurer, and 19 others, legal voters of Van Buren county, praying that section 47, of article 4, of the present Constitution, be retained in the new one.

By the same: petition of Morgan L. Fitch and 128 others, legal voters of Van Buren county, praying that section 47, of article 4, of our present Constitution, be retained in the new Constitution;

By the same: petition of Rev. A. M. Collins and 30 others, legal voters of Van Buren county, praying that section 47, of article 4, of the present Constitution, be retained in the new Constitution;

By the same: petition of Charles B. Hurlburt, Amos S. Brown and 52 others, legal voters of Van Buren county, praying that section 47, of article 4, of the present Constitution, be retained in the new one:

By the same: petition of R. S. Griffin and 32 others, legal voters of Van Buren county, praying that section 47, of arti-

cle 4, of the present Constitution, be retained in the new Constitution.

Referred to the committee on intoxicating liquors.

By the same: petition of George J. Vanness and 14 others, legal voters of Van Buren county, praying that section 47, article 4, of the present Constitution, be retained in the new instrument;

By the same: petition of E. B. D. Hicks and 25 others, legal voters of Van Buren county, praying that section 47, of article 4, of our present Constitution, be retained in the new Constitution;

By the same: petition of Chancey W. Butterfield, Supervisor. Augustus Niles and 67 others, legal voters of Van Buren county, praying that section 47, of article 4, of our present Constitution, be retained in the new Constitution;

By the same: petition of C. H. Engle and 39 others, legal voters of Van Buren county, praying that section 47, of article 4, of the present Constitution, be retained in the new one;

By Mr. Conger: memorial of Cyrus Miles, James W. Sanborn, William Sanborn, William Stewart, Edgar White and 50 other voters and business men of the city of Port Huron, for a stringent license system, and against prohibition;

By the same: petition of Charles Baer, Ernest Ortonbinger and 50 others, German voters of the city of Port Huron, St. Clair county, for the repeal of the prohibitory clause, and a license system.

Referred to the committee on intoxicating liquors.

COMMUNICATIONS FROM STATE OFFICERS.

The President announced the following;

AUDITOR GENERAL'S OFFICE, }
Lansing, June 5th, 1867. }

HON. CHARLES M. CROSWELL, *President of the Constitutional Convention:*

SIR—In accordance with a resolution of the Constitutional Convention, passed May 30th, I have the honor to submit the following report:

The regular session of 1861 met January 2d and adjourned March 16th;

The regular session of 1863 met January 7th and adjourned March 23d;

The regular session of 1865 met January 4th and adjourned March 23d.

The expense of a session of the Legislature cannot be accurately determined, yet it is believed that the amounts given below will not vary materially from a correct statement of the expense of the sessions named:

| | |
|-------------------------|-------------|
| For the year 1861,..... | \$49,755 20 |
| " " " 1863,..... | 52,268 59 |
| " " " 1865,..... | 63,415 22 |

Very respectfully,

WILLIAM HUMPHREY,

Auditor General.

The communication was laid on the table and ordered, printed in the journal.

MOTIONS AND RESOLUTIONS.

Mr. Ferris offered the following resolution, which was adopted:

Resolved, That hereafter, leave of absence be not granted to any member without good cause shown therefor.

RECEPTION OF HON SCHUYLER. COLFAX.

Mr. McCLELLAND. Mr. President, I understand that we have now present with us Hon. Schuyler Colfax, Speaker of the House of Representatives of the United States, a gentleman who, I presume, represents, separate and apart from politics, the feelings of the great Northwest—a gentleman of unquestioned talent and integrity, and every way worthy of the attention which I am about to move shall be paid him by this Convention—one who, during the late war, has taken a very active part in behalf of the country, who has occupied a conspicuous rank in Congressional proceedings for some years past, who, in short, has distinguished himself in every public position in

which he has been placed. I therefore move you that he be invited to occupy a seat on the floor of the Convention during his sojourn in the city, and that a recess of ten minutes be now taken for the purpose of enabling members to be introduced to him by the President of the Convention.

The motion was unanimously adopted; and the Convention accordingly took a recess.

[Mr. Colfax having been conducted to the President's desk, the President said:]

GENTLEMEN OF THE CONVENTION: For the first time in a long period of years, the popular branch of the National Legislature for three successive terms has chosen the same person to preside over its deliberations. The recipient of this mark of confidence at the hands of Congress after Congress, some of which have been as able as any that ever assembled under the Constitution, is one who, by his talents and acquirements, by his exalted patriotism, by his deep devotion to the public interest, by his sympathy with humanity, has won for himself a proud place in the affections of the people of this nation, and now justly ranks as one of the foremost of the statesmen of America. At your command, unanimously made, I have the pleasure to introduce to you this distinguished gentleman—Hon. Scuyler Colfax, of Indiana, Speaker of the House of Representatives of the United States of America. [Loud applause, continuing for some time.]

Hon. SCHUYLER COLFAX, in responding, said:

Mr. PRESIDENT AND GENTLEMEN OF THE CONVENTION: I thank you with sincere feelings of a grateful heart for the distinguished mark of your confidence and regard with which I have been honored. I thank especially the gentleman (Mr. McCLELLAND) who spoke so kindly of me in submitting the motion which he offered—a gentleman whom I have known in years past, serving not only the State of Michigan in the National councils, but the country at large in the Cabinet of the National Executive, and three times, I believe, a member of conventions to frame the fundamental law of the State of which

he is an honored citizen. I thank your President also, for the too partial manner in which he has spoken of my poor services to that country which we all love so much in our heart of hearts.

I have felt an interest in the proceedings of this body sitting here at your State Capital, for a double reason: First, because thirty years of my life have been spent upon your immediate border, within a stone's throw as it were of the territorial limits of your Peninsular State; and secondly, because my first connection with public affairs was in a body similar to this, assembled at the State Capital of Indiana, to frame the Constitution under which we now live. I have felt and appreciated, as doubtless all of you have, the gravity of the subjects which come before a body like this for its deliberation and settlement. They are indeed no ordinary questions. They rise in importance and dignity far beyond those questions which claim the attention of legislative bodies throughout our land. Here you are to settle for generations, and perhaps for even longer periods of time, the fundamental principles of the supreme law of your State, to re-establish the corner stones on which the structure of legislation shall properly be builded. And if those who assemble in Senate chambers and Representative halls are clothed with responsible duties in representing the thousands and hundreds of thousands who entrust their interests to their hands, how much more solemn and grave and far-reaching are the responsibilities that cluster around you—to make laws here which are not to be changed at each successive year, but which are to remain, so far as human legislation can be, permanent and immutable; which shall proclaim to the Union and the world the principles on which the Constitution of the State of Michigan shall be based. For States and nations are always judged by those outside of their limits by the fundamental principles of their supreme law. It has seemed to me that legislation like that which engrosses your thoughts here in this council chamber may be regarded as bearing to the ordinary legislation of a State somewhat the same relation as do the eternal hills to the streams

that flow from their valleys and ravines—the first permanent and lasting, the latter diverging here and there to the right and then back to the left, as obstructions turn their channels, but at the same time ever drawing their supplies from the everlasting hills, their great fountain head.

Within the few days that I have spent in your State, I have heard, from men of all parties, commendation of this deliberative body. I have again and again heard it remarked that in weight of character, in sound judgment, in abstinence from those angry and violent discussions which so often sweep like a storm over public assemblies, you stand conspicuous among the deliberative bodies that have convened in this State, and that the highest hopes are entertained that from you shall emanate a constitution to be not only crowned with the popular applause, but to be hailed by your children and your children's children as worthy not alone of its framers but of that historic age in which our lot has been cast.

I bid you, so far as I, a stranger, have the right to do so, goodspeed and Godspeed in all your labors, trusting that your single aim may be, as doubtless it will be, the glory and the honor of your State, that you may establish your Constitution upon those sure and immutable foundation-stones, justice and right, which shall enable it to withstand the storms of time, and that in future years those who come after you to the Capital may point to your work, and echo what I trust will be the response that shall meet you all when you return to your constituents—the response dearer than all else to the heart of every true and worthy public servant,—“Well done, good and faithful servants!”

I will not detain you longer from your duties; but I thank you again sincerely and cordially, for the kind and unanimous manner in which you have welcomed me, on my first visit to your State Capitol.—[Enthusiastic and long-continued applause.]

Mr. COLFAX then came upon the floor, and was introduced by the President to the members of the Convention.]

At the expiration of the recess, the President again called the Convention to order, when,
On motion of Mr. Miles,
The Convention adjourned.

SIXTEENTH DAY.

Lansing, Thursday, June 6, 1867.

The Convention was called to order by the President at 10 o'clock A. M.

Prayer by Rev. Mr. Spencer.

Roll called: a quorum present.

Absent without leave, Mr. Williams.

Mr. Walker asked and obtained leave of absence, for the day for Mr. Williams.

PRESENTATION OF PETITIONS.

By Mr. Watkins: petition of B. F. Burgess and 78 others, legal voters of the township of Brooklyn, Jackson county, asking for a stringent license law.

Referred to the committee on intoxicating liquors.

By Mr. Richmond: petition of N. H. Pierce, S. F. Norton and 25 other men; Mrs. Sibyl Lawrence, Mrs. Phebe Bradner and 71 other women, citizens of Michigan, praying for the right of suffrage, upon equal terms, to both men and women.

Referred to the committee on elections.

By Mr. Willard: petition of H. N. Wilson, F. Woodworth, Jas. Woodworth, Samuel H. Piper, Morgan L. Grey, Alfred Carpenter, of Bedford, and 51 others, men; and of P. M. Wilson, E. H. Hawxhurst, Ettie S. Masters, Ollie B. Squires, Adeline Davis and 84 others, women, on the same subject.

Referred to the committee on elections.

By Mr. Estee: petition of H. O. Bigelot, D. D. Burnham, J. J. Upton and 55 other men, and Mary E. Bigelow, Hortensie E. Norton, Phebe M. Clark and 21 other women, citizens of the county of Isabella, on the same subject.

Referred to the committee on elections.

By Mr. Case: petition of James M. Danton, pastor M. E. Church, Hon. C. C. Ellsworth, attorney at law, John Lewis, prosecuting attorney, D. C. Moore, attorney at law, D. E. Hills, pastor 1st Baptist Church, James L. Patton, 1st Congregational Church, E. F. Grabill, editor Independent, and 268 others, citizens of Greenville, in favor of the present prohibitory law, and asking that it be retained in the new Constitution.

Referred to the committee on intoxicating liquors, and ordered printed in the journal.

The petition is as follows:

To the Honorable, the Constitutional Convention, now in session in Lansing:

The undersigned citizens of Greenville, Montcalm county, respectfully represent that our village is noted for the temperate habits and good order of its citizens: and to this, more than to anything else, we attribute our present prosperous condition.

That we have witnessed with regret, and even with alarm, the efforts now being made to induce your Honorable body to reinstate in the new Constitution, the license system, which experience has taught us, affords no protection to those rights, which the present prohibitory clause, in a great measure secures. We do therefore, most earnestly pray that the present clause may be retained: James N. Danton, pastor M. E. Church, C. C. Ellsworth, attorney at law, John Lewis, prosecuting attorney, D. C. Moore, attorney, D. W. Wilcox, S. M. Waters, G. H. Vest, D. E. Hills, pastor 1st Baptist Church, E. F. Grabill, editor Greenville Independent, Jonah Foster, L. W. Cole, H. L. Bower, M. D., Jas. L. Patton, pastor 1st Congregational Church, T. N. Stevens, C. E., Manning Rutan, merchant, E. H. Jones, Newell I. Moore, Wm. Maxted, L. B. Wright, I. J. Merritt, H. M. Fuller, Henry Satterlee, Alex. Satterlee, H. B. Fargo, P. M., James Knight, and 250 others.

By Mr. Barber: petition of Mrs. C. A. Waterman, Mrs. F. V. Smith, Mrs. H. L. Thompson, and 56 other women, also D. C. Powers, Albert Chandler, C. P. Benton and 146 other men

voters of Branch county, praying that the right of suffrage be secured to persons without distinction of sex.

Referred to the committee on elections.

By Mr. Holmes: petition of E. P. Teachout, S. H. Shattuck, Hiram Howell, L. W. Cole, and 115 others, legal voters of Calhoun County, praying for the repeal of article 4, section 47, of our present Constitution, and adopt in lieu thereof, a provision making it the duty of the Legislature to pass a license law for the sale of ardent spirits.

Referred to the committee on intoxicating liquors.

Br Mr. Yeomans: petition of Mrs. Louisa H. T. Dexter, Mrs. Jennie W. Fox, Mrs. Jane Ann Carr and 146 other ladies, and L. S. Lowell, L. B. Soule, H. Harter and 40 others, residents of Ionia, praying for equal suffrage to men and women.

Referred to the committee on elections.

By Mr. Huston: petition of Hon. J. D. Lewis, John H. Burgess, Selvyn Douglass, Wm. Lake and 65 others, legal voters of Vassar, Tuscola county, praying that section 47, article 4, be retained, in principle at least, in the new Constitution.

Referred to the committee on intoxicating liquors.

By Mr. McConnell: petition of Joseph H. Saulsbury, W. H. Park, Geo. Allen and 63 other citizens, of Oakland county, praying for the repeal of article 4, section 47, of the present Constitution, and adopting in lieu thereof a license law for the sale of ardent spirits;

By the same: petition of James Turner, C. Tracy, James Somerville, L. C. Loomis and 107 other legal voters of Lansing, Ingham county, praying that section 47, article 4, of the present Constitution, be retained in the new one.

Referred to the committee on intoxicating liquors.

By Mr. Purcell: petition of Adam Elder, W. A. Bacon and 34 other citizens, of Detroit, praying for the striking out of section 47, article 4, and giving the Legislature power to enact a license law.

Referred to the committee on intoxicating liquors.

By Mr. VanValkenburgh: petition of James Peters, Sidney

Hudson, Ruthvan White, and sundry other citizens of Milford, Oakland county, to provide in the Constitution some remedy for the unequal mode of taxation.

Referred to the committee on finance and taxation.

By Mr. Germain: petition of F. N. Newman, John Clark and 55 others, citizens of Ionia county, praying that section 47, article 4, of the present Constitution, be retained in the new instrument;

By the same: petition of Almeron Newman, Abram L. Briggs, John Evans and 40 others, citizens of Ionia county, on the same subject;

By the same: petition of Offin Barrett, Trustan Freeman and 40 others, citizens of Ionia county, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. VanRiper: petition of G. C. Jones, Henry B. Wells, Joseph B. Clarke, and 98 others, legal voters of Cass county, and Elizabeth Hedden, and 112 other women, praying for the right of suffrage on equal terms, to both men and women.

Referred to the committee on elections.

By Mr. McKernan: petition of John Senter, Colonel W. B. Wright, and 80 others, voters of Eagle River, Keweenaw county, asking a license law for the sale of wines and liquors.

Referred to the committee on intoxicating liquors.

By Mr. Ferris: petition of Henry Whobrook and 55 others, citizens of the city of Grand Rapids, in favor of a license system;

By the same: petition of George Lehman and 30 others, citizens of the city of Grand Rapids, on the same subject;

By the same: petition of Edward Lee, Jr., and 102 others, citizens of Lowell, Kent county, on the same subject;

By the same: petition of Joseph E. Chamberlin, and 36 other citizens of the city of Grand Rapids, on the same subject;

By the same: petition Gasper Christ, and 14 other citizens of the city of Grand Rapids, on the same subject;

By the same: petition of G. H. Jones and 29 other citizens, of the city of Grand Rapids, on the same subject;

By the same: petition of Adolph Litelt and 46 other citizens, of the city of Grand Rapids, on the same subject;

By the same: petition of W. Clark, M. D., and 108 others, citizens of Lowell, Kent county, on the same subject;

By the same: petition of Peter Weber and 18 other citizens, of the city of Grand Rapids, on the same subject;

By the same: petition of R. H. Tapping and 24 other men, and Martha A. Jackson and 26 other ladies, residents of Casnovia, Kent county, in favor of prohibition;

By the same: petition of F. A. Raider and 106 other citizens, of Newaygo, on the same subject;

By the same: petition of Henry L. Correll and 45 other citizens, of the city of Grand Rapids, on the same subject;

By the same: petition of C. Spencer and 24 other men, and Mrs. E. McDiarmid and 19 other ladies, residents of Bowne, Kent county, on the same subject;

By the same: petition of A. J. McKenzie, and 49 other citizens of Gaines, Kent county, on the same subject;

By the same: petition of L. B. Barnum, and 42 other citizens of Saranac, Ionia county, on the same subject;

By the same: petition of Valentine Rechter and 20 others citizens of the city of Grand Rapids, for the license system.

Referred to the committee on intoxicating liquors.

By Mr. Sawyer: petition of Mrs. M. T. Hopkins, Mrs. H. S. Bowen, Miss Fanny Richards, W. W. Osborn, T. J. Hiller and 85 others, citizens of Lenawee county, praying for suffrage, on equal terms, to both men and women.

Referred to the committee on elections.

By Mr. Bills: petition of 425 Sabbath school teachers, in State Convention, at Coldwater, Michigan, asking for the prohibition of license.

Referred the committee on intoxicating liquors.

By Mr. Hull: petition of Thomas Mitchell, S. C. Coffinberry and 76 others, citizens of St. Joseph county, praying that the Legislature may be authorized to license and regulate the sale of intoxicating liquors.

Referred to the committee on intoxicating liquors.

By Mr. Pratt: petition of F. M. Holloway, John P. Cook and 20 others, praying that fines collected be credited to the poor fund.

Referred to the committees on education, finance and taxation, jointly.

REPORTS OF STANDING COMMITTEES.

By the committee on printing:

The committee on printing, to whom was referred the resolution of Mr. Norris, relative to correction of debates,

Respectfully report that they have had the same under consideration, and have directed me to report that they have made arrangements with the State Printer, substantially in accordance with the recommendation of the resolution,

Recommending that the same be adopted, and ask to be discharged from the further consideration of the subject.

L. F. HULL, *Chairman*.

The report was accepted and the committee discharged.

The resolution was adopted.

By the select committee on clergy:

The committee to whom was recommitted the resolution providing for the compensation of clergymen for their services in this Convention, respectfully report they have reconsidered the subject, and recommend the adoption of the following resolution:

Resolved, That the clergymen opening the daily sessions of this Convention with devotional exercises, each receive the same per diem compensation as members of the Convention, for the days they actually perform the duties aforesaid.

J. VAN VALKENBURGH,

MILTON BRADLEY.

Report accepted and committee discharged.

The resolution was adopted.

COMMUNICATION FROM THE STATE PRINTERS.

The President announced a communication from the State Printers, transmitting a list of newspapers in the State, in compliance with a resolution of the Convention, to which the daily journals and debates are sent.

On motion of Mr. Norris,

The communication was laid on the table, and ordered printed in the Journal, and is as follows:

NEWSPAPERS TO WHICH JOURNALS AND DEBATES ARE SENT.

ALLEGAN.

Allegan Journal, Allegan.

Otsego Herald, Otsego.

ALPENA.

Pioneer, Alpena.

BARRY.

Hastings Banner, The Independent, Hastings.

BAY.

Bay City Journal, Bay City Signal, Bay City.

BERRIEN.

Niles Times, Niles Republican, Niles.

Berrien County Record, Voice of the West, Buchanan.

St. Joseph Traveler, St. Joseph Herald, St. Joseph.

BRANCH.

Coldwater Sentinel, Branch County Gazette, Republican, Coldwater.

Bronson Herald, Bronson.

CALHOUN.

Albion Mirror, Albion.

Battle Creek Journal, Advent Herald, Health Reformer, Battle Creek.

Marshall Statesman, Democratic Expounder, Marshall.

CASS.

Cass County Republican, Dowagiac.

National Democrat, Cassapolis.

CLINTON.

Clinton Republican, Independent, St. Johns.
Register, Ovid.

EATON.

Eaton County Republican, Eaton Argus, Charlotte.
Journal, Eaton Rapids.

GENESEE.

Wolverine Citizen, Genesee Democrat, Flint Globe, Flint.
Fentonville Gazette, Fentonville.

GRAND TRAVERSE.

Herald, Traverse City.
Gazette, Manistee.
Eagle, Elk Rapids.

GRATIOT.

Weekly Journal, Ithaca.

HILLSDALE.

Standard, Democrat, Christian Freeman, Hillsdale.
Independent, Jonesville.

HOUGHTON.

Mining Gazette, Houghton.
Times, Hancock.

HURON.

News, Port Austin.

INGHAM.

Republican, Democrat, Lansing.
News, Mason.

IONIA.

Sentinel, Gazette, Ionia.

JACKSON.

Daily Citizen, Weekly Citizen, Jackson Patriot, Jackson.
Reporter, Grass Lake.

KALAMAZOO.

Kalamazoo Telegraph, Kalamazoo Gazette, Michigan Christian Herald, Kalamazoo.

KENT.

Grand Rapids Eagle, Herald, Democrat, Stompoost, Advocate, Volksfreund, Grand Rapids.

LAPEER.

Lapeer Clarion, Republican, Lapeer.

LENAWEE.

Adrian Times and Expositor, Weekly Journal, Adrian.
Raisin Valley Record, Tecumseh Herald, Tecumseh.
Hudson Gazette, Hudson.

LIVINGSTON.

Livingston Democrat, Livingston Republican, Howell.

MACOMB.

Romeo Observer, Romeo.

Macomb County Monitor, Conservative Press, Mt. Clemens.

MARQUETTE.

Journal, Marquette.

MECOSTA.

Pioneer, Big Rapids.

MENOMINEE.

Menominee Herald, Menominee.

MIDLAND.

Pioneer, Isabella City.

Monitor, Alpena.

MONROE.

Monitor, Commercial, Monroe.

MONTCALM.

Independent, Greenville.

MUSKEGON.

News, Muskegon.

NEWAYGO.

Republican, Newaygo.

OAKLAND.

Gazette, Jacksonian, Pontiac.
Register, Holly.

OCEANA.

Times, Pentwater.

ONTONAGON.

Miner, Ontonagon.

OTTAWA.

DeGrondwet, DeVerzamelier, Hollander, Holland.
News, Union, Grand Haven.

SAGINAW.

Saginaw Republican, Saginaw.
Daily Enterprise, Courier, East Saginaw.

SANILAC.

Jeffersonian, Lexington.

SHIAWASSEE.

Shiawasse American, Corunna.
Owosso Press, Owosso.

ST. CLAIR.

Commercial, Press, Port Huron.
St. Clair Republican, St. Clair.

ST. JOSEPH.

Constantine Weekly Mercury, Constantine.
Sturgis Journal, Sturgis.
Three Rivers Reporter, Three Rivers.
Union, White Pigeon.

TUSCOLA.

Pioneer, Vassar.

VAN BUREN.

True Northerner, Press, Paw Paw.

WASHTENAW.

Ann Arbor Argus, Journal, Courier and Visitant, State News,
Ann Arbor.
Ypsilanti Sentinel, Commercial, Ypsilanti.

WASHINGTON.

News, Negaunee.

WAYNE.

Advertiser and Tribune, Free Press, Detroit Post, Commercial Advertiser, Daily Union, Peninsular Herald, Western Rural, Michigan Volksblatt, Michigan Journal, Monitor, Detroit.

MOTIONS AND RESOLUTIONS.

Mr. McClelland, by unanimous consent, offered the following resolution, which was adopted:

Resolved, That the committee on cities and villages, be instructed to inquire into the expediency of giving the appointment of the officers of the cities to the mayors thereof respectively, by and with the advice and consent of the common council, especially where the population exceeds 10,000 inhabitants.

Mr. McClelland, by unanimous consent, offered the following resolution:

Resolved, That the committee on State officers be instructed to inquire into the propriety of inserting in the Constitution some such provisions as are contained in the following article:

There shall be a Board of Governors of Prisons, who shall have the charge and superintendence of the State Prisons, and power to appoint the wardens or principal keepers thereof, and the chaplains, clerks and physicians therein, and the power of removing, for cause, the officers above named and the other officers in the same. They shall also have the superintendence, with power of visitation, of all institutions for the reformation of juvenile delinquents and the prevention of crime. Said board shall consist of five persons, to be appointed by the Governor, by and with the consent of the Senate, who shall hold office for ten years, except that the persons first appointed shall, in such manner as the Legislature may direct, be so classified that the term of one of the persons, so appointed, shall expire at the end of each two years during the first ten years. They shall receive such compensation as shall be established by law.

The Legislature may confer such powers and impose such duties upon the Board of Governors in respect to the county jails, local or district penitentiaries, and other penal institutions within the State, as shall be deemed expedient.

Referred to the committee on State officers.

Mr. Conger presented the majority report on the petitions for a license law in Massachusetts, which was referred to the committee on intoxicating liquors.

THIRD READING OF ARTICLES.

On motion of Mr. Conger,

Articles I, II, III and XI, were taken from the table, and put on the order of third reading.

Mr. Longyear moved that Articles I, II and III be recommended to the committee on arrangement and phraseology, with instructions to so amend their amendment as to retain the clause relative to the jurisdiction of the State;

Which motion did not prevail.

The question being on the passage of Articles I, II and III,

Mr. Conger called for a division, so that each article should be acted upon separately.

Mr. Willard raised a point of order, to wit:

That the report of the committee on arrangement and phraseology had not been adopted.

The point of order was overruled.

Mr. Giddings moved that the Article be laid on the table and ordered printed.

After some debate, the motion was withdrawn.

Mr. Conger moved that the rules be so amended that final action on articles, be taken by yeas and nays;

Which motion prevailed.

Article I was read a third time and passed, the following being the vote thereon:

YEAS.

Mr. Aldrich,
Alexander,
Andrus,

Mr. D. Goodwin,
Harris,
Hazen,

Mr. Purcell
Rafter,
Richmond,

| | | |
|----------------|-------------|-----------------|
| Barber, | Henderson, | Root, |
| Bills, | Hixson, | Sawyer, |
| Blackman, | Holmes, | Shearer, |
| Bradley, | Hull, | Sheldon, |
| Brown, | Huston, | T. G. Smith, |
| Burtenshaw, | Kenney, | Stockwell, |
| Case, | Lawrence, | Thompson, |
| Chapin, | Leach, | Turner, |
| Chapman, | Longyear, | Tyler, |
| Coolidge, | Lovell, | Van Riper, |
| Conger, | Luce, | Van Valkenburg, |
| Corbin, | McClelland, | Walker. |
| Crocker, | McConneil, | W. E. Warner, |
| Daniells, | McKernan, | F. C. Watkins, |
| Divine, | Miles, | M. C. Watkins, |
| Duncan, | Miller, | White, |
| Duncombe, | Morton, | Willard, |
| Elliott, | Murray, | Winans, |
| Estee, | Mussey, | Withey, |
| Farmer, | Musgrave, | Woodhouse, |
| Ferris, | Ninde, | Wright, |
| Germain, | Norris, | Yeomans, |
| Giddings, | Pratt, | President, |
| W. F. Goodwin, | Pringle, | |
| | NAYS. | 82 |
| | | 0 |

Article II was read a third time;

Mr. Leach moved to strike out the word "established,"

Which motion prevailed.

Mr. Pringle moved to recommit Article II to the committee on arrangement and phraseology, with instructions to so amend it as to establish the seat of government at Lansing, until the Legislature shall otherwise provide.

Mr. Daniells moved to amend the instructions by adding the following proviso:

Provided, That whenever the Legislature shall remove the Capital from its present location, it shall be placed nearer the geographical center of the State of Michigan.

Which amendment was accepted by Mr. Pringle.

Mr. Leach moved to amend the instructions by striking out the words "nearer the geographical center of the State of Michigan," and inserting in lieu, the words, "at some point on the Grand Traverse Bay;"

Which motion prevailed.

Mr. Morton demanded the previous question.

The demand being sustained and the main question ordered, the motion to recommit did not prevail, the vote in the negative being unanimous.

The article was then passed, the following being the vote thereon:

YEAS.

| | | |
|----------------|-----------------|-----------------|
| Mr. Aldrich, | Mr. D. Goodwin, | Mr. Purcell, |
| Alexander, | Harris, | Rafter, |
| Andrus, | Hazen, | Richmond, |
| Barber, | Henderson, | Root, |
| Bills, | Hixson, | Sawyer, |
| Blackman, | Holmes, | Shearer, |
| Bradley, | Hull, | Sheldon, |
| Brown, | Huston, | T. G. Smith, |
| Burtenshaw, | Kenney, | Stockwell, |
| Case, | Lawrence, | Thompson, |
| Chapin, | Leach, | Turner, |
| Chapman, | Longyear, | Tyler, |
| Coolidge, | Loveil, | Van Riper, |
| Conger, | Luce, | Van Valkenburg, |
| Corbin, | McClelland, | Walker, |
| Crocker, | McConnell, | W. E. Warner, |
| Daniells, | McKernan, | M. C. Watkins, |
| Divine, | Miles, | F. C. Watkins, |
| Duncan, | Miller, | White, |
| Duncombe, | Morton, | Willard, |
| Elliott, | Murray, | Winans, |
| Estee, | Mussey, | Withey, |
| Farmer, | Musgrave, | Woodhouse, |
| Ferris, | Ninde, | Wright, |
| Germain, | Norris, | Yeomans, |
| Giddings, | Pratt, | President, |
| W. F. Goodwin, | | 79 |

Article III was read a third time.

Mr. Norris moved that the word "for," in the second line of section 2, be stricken out;

Which motion did not prevail.

The article was then passed, the following being the vote thereon:

YEAS.

| | | |
|----------------|-----------------|-----------------|
| Mr. Aldrich, | Mr. D. Goodwin, | Mr. Purcell, |
| Alexander, | Harris, | Rafter, |
| Andrus, | Hazen, | Richmond, |
| Barber, | Henderson, | Root, |
| Bills, | Hixson, | Sawyer, |
| Blackman, | Holmes, | Shearer, |
| Bradley, | Hull, | Sheldon, |
| Brown, | Huston, | T. G. Smith, |
| Burtenshaw, | Kenney, | Stockwell, |
| Case, | Lawrence, | Thompson, |
| Chapin, | Leach, | Turner, |
| Chapman, | Longyear, | Tyler, |
| Coolidge, | Lovell, | Van Riper, |
| Conger, | Luce, | Van Valkenburg, |
| Corbin, | McClelland, | Walker, |
| Crocker, | McConnell, | W. E. Warner, |
| Daniells, | McKernan, | M. C. Watkins, |
| Divine, | Miles, | F. C. Watkins, |
| Duncan, | Miller, | White, |
| Duncombe, | Morton, | Willard, |
| Elliott, | Murray, | Winans, |
| Estee, | Mussey, | Withey, |
| Farmer, | Musgrave, | Woodhouse, |
| Ferris, | Ninde, | Wright, |
| Germain, | Norris, | Yeomans, |
| Giddings, | Pratt, | President, |
| W. F. Goodwin, | | |

79

NAYS.

Mr. Pringle,

1

The articles were referred to the committee on arrangement and phraseology, for numerical arrangement.

Mr. VanRiper moved that the Convention take a recess until 2½ o'clock.

On motion of Mr. Withey,

The Convention adjourned.

SEVENTEENTH DAY.

Lansing, Friday, June 7, 1867.

The Convention was called to order by the President, at 10 o'clock A. M.

Prayer by Rev. Mr. Potter.

Roll called: a quorum present.

Mr. Lothrop asked and obtained leave of absence for himself, until Tuesday next.

PRESENTATION OF PETITIONS.

By Mr. F. C. Watkins: petition of Rev. A. St. Clair, Z. M. Barber, M. Coolbough, and 300 other citizens of Leoni, Jackson county, in favor of prohibition of license.

The petition was referred to the committee on intoxicating liquors.

By Mr. Longyear: memorial of the township board of the township of Lansing, and other citizens of said township, praying that the Constitution may be so framed that the Legislature may have the power to authorize said township to hold its elections in the city of Lansing.

Referred to the committee on cities and villages.

By the same: petitions of Wm. H. Chapman, Geo. W. Peck, M. Hudson, and 106 others; of Capt. D. D. Collins, and 26 others; of O. S. Case and 11 others; of R. Johnson and four others; of C. S. Wolcott and 43 others; of C. S. Suttler and 24 others; of J. Vanhusen and 24 others; of G. M. Fletcher and 20 others; of J. F. Cooley and 91 others; of J. Baldwin and 71 others, citizens of Lansing, asking for a well secured license law for the sale of wines and liquors.

Referred to the committee on intoxicating liquors.

By Mr. Wright: petition of Fred. Alexander, G. F. Emory, Orin Leonard, A. Lynd and 48 others, purporting to be citizens of Middleville, Barry county, but in fact, citizens of that and all the adjoining townships, asking the repeal of the prohibitory clause in the Constitution, and in lieu thereof a safe, well secured license system.

Referred to the committee on intoxicating liquors.

By Mr. Alexander: petition of J. M. Roe, J. Luther, J. D. Ross, H. J. Howe and 106 other legal voters of Berrien county, praying that section 47, article 4, of the present Constitution, may be retained in the new one.

Referred to the committee on intoxicating liquors.

By Mr. Germain: petition of C. D. Hampton, Alanson Wilcox and 37 other legal voters, and Mrs. A. Wilcox, Mrs. G. W. French and 30 other women, citizens of Muir, Ionia county, praying for the incorporation in the new Constitution of a provision prohibiting the traffic in intoxicating liquors.

Referred to the committee on intoxicating liquors.

By Mr. Musgrave: petition of H. Robinson, J. W. Nichols, L. O. Smith, D. P. Sagendorf and 70 other legal voters of Charlotte, Eaton county, asking that the prohibitory clause in the present Constitution against legalizing the sale of intoxicating liquors, be incorporated in the new instrument;

By the same: petition of Mrs. M. S. Musgrave, Mrs. Susan L. Munson, Mrs. Emma Church, Mrs. E. W. Barber, Mrs. E. S. Lacy and 100 others, wives of Charlotte and vicinity, in the county of Eaton, on the same subject;

By the same: petition of Ella' L. Cushing, Sarah F. Musgrave, Sarah J. Brooks and Juliette Simmons, and 85 others, young ladies of Charlotte, Eaton county, on the same subject.

Referred to the committee on intoxicating liquors.

By the same: petition of E. Hayden, Ed. W. Barber, E. S. Lacy, A. D. Shearer and 20 others, legal voters of Charlotte, Eaton county, asking that all fines incurred be credited to the poor fund.

Referred to the committees on education and finance and taxation, jointly.

By Mr. Birney: petition of Thos. C. Grier, D. Fox and 35 others, of Bay county, for retaining section 47, article 4, of the present Constitution;

By the same: petition of N. Clark, P. N. Carter and 62 others, of Bangor, Bay county, on the same subject;

By the same: petition of Jas. H. Dill and 16 others, of the township of Williams, Bay county, on the same subject;

By the same: petition of N. Burt, J. A. Chase and 86 others, of Bangor, Bay county, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. Aldrich: petition of N. Bock, Jacob Henry Scribner and 194 others, praying for a law granting licenses for the sale and manufacture of spirituous and malt liquors, instead of the present prohibitory law.

Referred to the committee on intoxicating liquors.

By Mr. Withey: petition of E. O. Rose, Prosecuting Attorney of Mecosta county, J. T. Escott, Sheriff, C. C. Fuller, Judge of Probate, and 45 other citizens of Big Rapids, Mecosta county, asking that the clause in the present Constitution prohibiting the licensing of the sale of intoxicating liquors be retained in the new;

By the same: petition of H. J. Hollister, E. M. Ball, L. S. Scranton and 22 other citizens of Grand Rapids, asking that the clause in the present Constitution prohibiting the sale of intoxicating liquors be retained in the new;

By the same: petition of Dr. A. H. Botsford and 9 others, citizens of Grand Rapids, asking that the clause in the present Constitution prohibiting the licensing of the sale of intoxicating liquors be retained in the new;

By the same: petition of C. H. Toby, John C. Winchester, and 58 others, citizens of Byron, Kent county, asking that the clause in the present Constitution prohibiting the licensing of the sale of intoxicating liquors, be retained in the new;

By the same: petition of J. Crisman, and 13 other citizens of Kent county, asking that the clause in the present Constitution, prohibiting the licensing of the sale of intoxicating liquors, be retained in the new;

By the same: petition of Edwin Hoyt, Jr., H. Brinsmaid, O. N. Taylor, and 9 other citizens of Kent county, asking that the

clause in the present Constitution, prohibiting the licensing of the sale of intoxicating liquors, be retained in the new;

By the same: petition of Frank Hutchinson, W. W. Jameson, and 44 others, citizens of Kelloggsville, Kent county, asking that the clause in the present Constitution, prohibiting the licensing of the sale of intoxicating liquors, be retained in the new.

The petitions were referred to the committee on intoxicating liquors.

By Mr. Mussey: petition of Wm. Birdsell and 24 others, citizens of Kent county, asking that article 4, section 47, of the present Constitution, be retained in the new one.

Referred to the committee on intoxicating liquors.

By Mr. Murray: petition of Geo. Boyd, Richman Goodwin, and 125 others, citizens of Kent county, asking that the right of suffrage may be secured on equal terms, to both men and women.

Referred to the committee on elections.

By Mr. Blackman: petition of Wm. N. Taylor, and 10 others, men, and Philinda K. Taylor, and 10 other women, citizens of this State, on the same subject.

Referred to the committee on elections.

MOTIONS AND RESOLUTIONS.

Mr. Leach offered the following resolution, which was adopted:

Resolved, That the daily sessions of this Convention shall hereafter commence at nine o'clock, until otherwise ordered.

Mr. Farmer moved to reconsider the vote by which the motion of Mr. Conger prevailed, (yesterday,) requiring the yeas and nays, on the final passage of every article.

On motion of Mr. Norris,

The motion to reconsider was laid on the table.

Mr. Shearer offered the following resolution:

Resolved, That the committee on finance and taxation inquire into the expediency of taxing by law venders and agents from other States, for the sale of merchandise and goods in this State, in accordance with the value thereof, as merchants are taxed within this State.

Referred to the committee on finance and taxation.

Mr. Morton offered the following resolution:

Resolved, That the committee on education inquire into the expediency of a clause in the Constitution to prohibit the appropriation of any money from the State treasury, to aid any educational institution, except the union and common schools, the Boys' Reform School, and schools for the education of orphans and the children of deceased soldiers. Also, the propriety of providing for or compelling the attendance of all children in the State, of suitable age, in common schools for a portion of the year, who are not attending other schools.

Referred to the committee on education.

Mr. Willard offered the following resolution:

Resolved, That the committee on public lands be instructed to inquire into the expediency of providing for the sale of the swamp lands, and the application of one-half the proceeds arising therefrom to the creation of a drainage fund, and the application of the remainder to an educational fund, the interest arising from which is to be annually applied to the support of common schools in the counties in which such lands are situated, for a period of twenty years, at the expiration of which period, said fund to be added to the primary school fund of the State.

Referred to the committee on public lands.

THIRD READING OF ARTICLES.

Article No. XI, entitled "Townships," was read a third time and passed, the following being the vote thereon:

YEAS.

| | | |
|--------------|-----------------|--------------|
| Mr. Aldrich, | Mr. D. Goodwin, | Mr. Purcell, |
| Alexander, | Harris, | Rafter, |
| Andrus, | Hazen, | Richmond, |
| Barber, | Henderson, | Root, |
| Bills, | Hixson, | Sawyer, |
| Birney, | Holmes, | Shearer, |
| Bradley, | Hull, | Sheldon, |
| Brown, | Huston, | T. G. Smith, |
| Burtenshaw, | Kenney, | W. A. Smith, |
| Case, | Lawrence, | Stockwell, |
| Chapin, | Leach, | Thompson, |

| | | |
|----------------|-------------|-----------------|
| Chapman, | Longyear, | Turner, |
| Coolidge, | Lothrop, | Tyler, |
| Conger, | Lovell, | Van Riper, |
| Corbin, | Luce, | Van Valkenburgh |
| Crocker, | McClelland, | W. E. Warner, |
| Daniells, | McConnell, | M. C. Watkins, |
| Divine, | McKernan, | F. C. Watkins, |
| Duncan, | Miles, | White, |
| Duncombe, | Miller, | Willard, |
| Elliot, | Morton, | Winans, |
| Estee, | Murray, | Withey, |
| Farmer, | Musses, | Williams, |
| Ferris, | Musgrave, | Woodhouse, |
| Germain, | Ninde, | Wright, |
| Giddings, | Norris, | Yeomans, |
| W. F. Goodwin, | Pratt, | President, 81 |

NAYS.

Mr. Blackman, Mr. Pringle, 2.

The article was referred to the committee on arrangement and phraseology, for numerical arrangement.

IN COMMITTEE OF THE WHOLE.

On motion of Mr. Lovell,

The Convention went into committee of the whole, on the general order,

Mr. McClelland in the chair.

The committee resumed the consideration of the article entitled "Corporations other than Municipal."

The question being on inserting after the word "money," in the second line of section 3, the words "by any bank organized under the laws of this State,"

The amendment was agreed to.

Mr. D. Goodwin moved that section 5 be stricken out.

Mr. Pringle moved to strike out the word "specie," at the end of the first line, section 5.

Mr. Lovell moved to amend the amendment by adding after the word "payments," the words "in lawful money of the United States," making the section read as follows:

Sec. 5. The Legislature shall pass no law authorizing or sanc-

tioning the suspension of payments by any person, association or corporation;

Which was not agreed to.

The amendment of Mr. Pringle was then adopted.

Mr. Birney moved to further amend section 5, by striking out of line two, the word "person;"

Which was agreed to.

Mr. Pratt moved to further amend the section, by striking out of the second line the words "association or;"

Which motion prevailed.

Mr. Blackman moved to amend the section by inserting after the word "any," in the second line, the words, "joint stock association or;"

Which was not agreed to.

The motion to strike out the section was withdrawn.

Mr. Farmer moved to amend section six, by striking out all after the word "House," in the second line, and inserting "except as provided in the first section of this article;"

Which was not agreed to.

Mr. Pratt moved that section six be stricken out.

Mr. Lothrop moved to amend section six, by adding in line two, after the word "House," the following:

"Nor shall the rights of any corporation organized under a general law be affected by any subsequent amendment, alteration or repeal of such law, unless such amendment, alteration or repeal shall be passed by a vote of two-thirds of the members elected to each House, and unless the same is made expressly applicable to existing corporations."

Pending which,

Mr. Lovell moved that the committee rise, report progress and ask leave to sit again.

The motion prevailed.

IN CONVENTION.

The committee, through the chairman, submitted the following report:

The committee of the whole have had under consideration Article —, entitled "Corporations other than Municipal;"

Have made some progress therein, but not having gone through therewith, have directed me to report that fact to the Convention, and ask leave to sit again.

R. McCLELLAND, *Chairman*.

Report accepted, and leave granted the committee to sit again.

Mr. Henderson moved to take a recess till two o'clock.

On motion of Mr. Giddings,

The Convention adjourned.

EIGHTEENTH DAY.

Lansing, Saturday, June 8, 1867.

The Convention was called to order by the President at 9 o'clock A. M.

Prayer by Rev. Mr. Bradley.

Roll called: a quorum present.

Absent without leave, Mr. Purcell.

Mr. W. E. Warner asked and obtained leave of absence for Mr. Purcell for an indefinite time, on account of sickness in his family.

Mr. Birney announced that Mr. Winsor, delegate from the county of Huron, was present, and ready to qualify.

Mr. Winsor presented himself, qualified, and took his seat.

PRESENTATION OF PETITIONS.

By Mr. Chapin: petition of county superintendent of common schools, prosecuting attorney, register of deeds, county treasurer, county clerk, judge of probate, sheriff, county surveyor, eleven supervisors, and a number of other citizens of Gratiot county, asking that Article 4, section 47, of the present constitution, be retained in the new instrument.

Referred to the committee on intoxicating liquors.

By Mr. Turner: petition of Hon. John F. Driggs, Hon. H. Miller, Hon. Wm. A. Clark, Hon. J. B. Richardson, and 1665

other citizens of the Saginaw Valley, praying for a provision in the new constitution authorizing a well secured license system for the sale of wines and liquors.

Referred to the committee on intoxicating liquors.

By Mr. Miller: petition of Wm. H. Wier, Jr., J. M. Jones, J. N. Eldred and 60 other legal voters of Chesaning, Saginaw county, asking to have retained in the new constitution, in principle at least, what is section 49, article 4, of the present constitution.

Referred to the committee on intoxicating liquors.

By Mr. Musgrave: petition of Fred. Spicer, Amos Knight, Henry Pratt and 35 others, legal voters of Eaton Rapids, in the county of Eaton, asking for the repeal of the clause in our present constitution prohibiting license for the sale of wines and liquors, and in lieu thereof a safe and well secured system of license.

Referred to the committee on intoxicating liquors.

By Mr. F. C. Watkins: petition of M. J. Morell, S. J. Fowler C. H. Taylor, W. H. Fargo, H. W. Camp, Benjamin Newkirk, and 200 others, citizens of the city of Jackson, praying for a provision in the constitution prohibiting the granting of license for the sale of intoxicating liquors.

Referred to the committee on intoxicating liquors.

By Mr. Withey: petition of D. McCargar, Geo. Brandt, J. C. Hamacher, and 50 other citizens of Grand Rapids, asking that a clause be inserted in the new constitution, making it the duty of the Legislature to provide for licensing the sale of liquors;

By the same: petition of W. H. Godfrey and 73 other citizens, of Kent county, on the same subject;

By the same: petition of C. H. Taylor and 113 other citizens, of Kent county, on the same subject.

Referred to the committee on intoxicating liquors.

COMMUNICATIONS FROM STATE OFFICERS.

The President announced the following:

AUDITOR GENERAL'S OFFICE, }
Lansing, June 8, 1867. }

Hon. C. M. CROSWELL, *Pres't of the Constitutional Convention:*

SIR—I have the honor to acknowledge the receipt of the following resolution of the Constitutional Convention, adopted May 31st:

“Resolved, That the Auditor General be requested to communicate to the Convention the name and location of each of the corporations, associations and companies, doing business in this State, which are required to pay a specific tax, the amount of their capital stock, the rate per cent. required, the amount of taxes paid annually, and the amount, if any, unpaid.”

In compliance with the above resolution, I herewith transmit the following list, which comprises all the corporations, associations and companies, doing business in this State, which are required to pay a specific tax, so far as is known at this Department.

Very respectfully,

WM. HUMPHREY,
Auditor General.

The communication and accompanying list were laid on the table, and ordered printed in the journal.

The list is as follows:

LIST of all mining Corporations that have filed Articles of Association in the Office of the Secretary of State, with Name, date of Incorporation, Location and Capital Stock.

SEE ACT No. 136, LAWS 1865, FOR RATE
OF TAXATION.

SEE ACT No. 177, LAWS 1863, FOR PLACE
OF PAYING TAX.

| Date of Incorporation. | NAMES. | Counties where Located. | Capital. | Report'd. |
|------------------------|--|-------------------------|-----------|-----------|
| Nov. 17, 1866 | Active Copper Co.,..... | Houghton,..... | \$500,000 | Not rep. |
| April 6, 1864 | Arctic Mining,..... | Ontonagon,..... | 40,000 | " " |
| Aug. 9, 1853 | Algoma Copper,..... | Ontonagon,..... | 500,000 | " " |
| April 3, 1866 | Adams Mining,..... | Houghton,..... | 500,000 | Report'd |
| Sept. 16, 1859 | Allouez Mining,..... | Houghton,..... | 500,000 | " " |
| June 2, 1860 | Albany and Boston Mining,..... | Houghton,..... | 300,000 | " " |
| July 20, 1860 | Amygdaloid Mining Co. of Lake Superior,..... | Houghton,..... | 500,000 | " " |
| March 23, 1864 | American Gold and Silver Lead Mining Co.,..... | Houghton,..... | 500,000 | " " |
| Feb. 9, 1864 | Adventure Copper,..... | Ontonagon,..... | 1,000,000 | " " |
| March 1, 1864 | Adventure Copper Mining,..... | Ontonagon,..... | 1,000,000 | Not rep |
| March 16, 1864 | Astor Mining,..... | Keweenaw,..... | 500,000 | " " |
| Jan. 30, 1864 | Agawin Silver Mining,..... | Marquette,..... | 500,000 | " " |
| Dec. 26, 1863 | Adventure Mining Co. of L. S.,..... | Ontonagon,..... | 500,000 | " " |

List of Corporations—Continued.

| Date of Incorporation. | NAMES. | Counties where Located. | Capital. | Report'd. |
|------------------------|--|-------------------------|-----------|-----------|
| Jan. 14, 1864 | Etna Mining,..... | Keweenaw,..... | \$500,000 | Report'd |
| Dec. 4, 1863 | Atlas Mining,..... | Keweenaw,..... | 500,000 | Not rep. |
| May 11, 1864 | Arnold Mining,..... | Keweenaw,..... | 500,000 | " |
| Aug. 8, 1863 | Aztec Mining,..... | Ontonagon,..... | 500,000 | " |
| May 31, 1864 | American Mining,..... | Keweenaw,..... | 500,000 | " |
| April 29, 1864 | Argentine Mining,..... | Houghton,..... | 500,000 | Report'd |
| April 25, 1864 | Arcadian Mining Co. of Michigan, | Houghton,..... | 500,000 | Not rep. |
| April 15, 1864 | Alcona Mining Co. of Michigan,... | Marquette,..... | 500,000 | " |
| Oct. 24, 1863 | Boston Copper, Co.,..... | Keweenaw,..... | 500,000 | " |
| Aug. 15, 1863 | Boston Mining, Co.,..... | Ontonagon,..... | 500,000 | " |
| Aug. 16, 1866 | Bushwick,..... | Shiawassee,..... | 100,000 | " |
| May 16, 1863 | Bay State Mining,..... | Houghton,..... | 500,000 | " |
| Aug. 3, 1863 | Bluff Mining Co. of Mich.,..... | Houghton,..... | 250,000 | " |
| March 3, 1864 | Boston and Lake Superior consoli- dated Mining Co.,..... | Houghton,..... | 10,000 | " |
| Oct. 21, 1869 | British American Mining,..... | Houghton,..... | 500,000 | " |
| April 1, 1864 | Broughton Mining,..... | Ontonagon,..... | 500,000 | " |
| Jan. 13, 1864 | Brooklin Mining,..... | Ontonagon,..... | 500,000 | " |
| Feb. 16, 1866 | Branch County Iron,..... | Branch,..... | 10,000 | " |
| April 1, 1864 | Beaver Mining,..... | Keweenaw,..... | 500,000 | " |
| Nov. 24, 1864 | Batchewaning Land and Mining,... | Wayne,..... | 250,000 | " |
| Oct. 6, 1864 | Bohemian Mining Co. of Mich.,... | Ontonagon,..... | 500,000 | Report'd |
| Sept. 12, 1864 | Boston and New York Iron Co.,... | Marquette,..... | 500,000 | Not rep. |
| Sept. 9, 1864 | Bancroft Iron,..... | Marquette,..... | 250,000 | " |
| Dec. 25, 1865 | Big Bay Iron,..... | Delta,..... | 250,000 | " |
| Jan. 1, 1864 | Chippewa Mining,..... | Ontonagon,..... | 500,000 | Report'd |
| March 5, 1864 | Cherokee Mining Co., of Mich.,... | Marquette,..... | 500,000 | Not rep. |
| April 22, 1862 | Cacique Mining,..... | Houghton,..... | 50,000 | " |
| Jan. 20, 1865 | Clinton Iron,..... | Marquette,..... | 25,000 | " |
| June 11, 1868 | Carp Lake Mining,..... | Ontonagon,..... | 500,000 | " |
| June 16, 1861 | Carp River Mining,..... | Ontonagon,..... | 500,000 | " |
| April 25, 1864 | Clinton Mining,..... | Ontonagon,..... | 500,000 | " |
| Sept. 20, 1864 | Cambrian Mining,..... | Ontonagon & Wayne,..... | 500,000 | " |
| March 14, 1864 | Cascade Copper,..... | Ontonagon,..... | 500,000 | " |
| Nov. 29, 1864 | Central Mining,..... | Houghton,..... | 500,000 | Report'd |
| Nov. 12, 1863 | Cortez Mining,..... | Ontonagon,..... | 500,000 | Not rep. |
| Dec. 3, 1863 | Continental Mining,..... | Houghton,..... | 500,000 | " |
| Dec. 19, 1863 | Clark Mining,..... | Houghton,..... | 500,000 | " |
| April 19, 1863 | Cleveland Iron Mining,..... | Marquette,..... | 500,000 | " |
| Oct. 20, 1863 | Collins Iron,..... | Marquette,..... | 500,000 | " |
| Oct. 4, 1863 | Copper Harbor Mining,..... | Houghton,..... | 500,000 | Report'd |
| Oct. 6, 1866 | Clifton Mining,..... | Ontonagon,..... | 30,000 | Not rep. |
| Jan. 25, 1864 | Crystal Lake Silver Lead Mining and Smelting Co.,..... | Houghton,..... | 500,000 | " |
| Dec. 4, 1863 | Copper Harbor Copper,..... | Keweenaw,..... | 500,000 | " |
| Oct. 31, 1864 | Coulter Copper,..... | Ontonagon,..... | 500,000 | " |
| May 7, 1869 | Cuyahogo Mining,..... | Ontonagon,..... | 500,000 | " |
| Nov. 5, 1865 | Copper Falls Mining,..... | Houghton,..... | 500,000 | " |
| Nov. 12, 1865 | Chicago and Lake Superior Iron Mining and Manufacturing Co.,... | Marquette,..... | 25,000 | " |
| Feb. 23, 1865 | Corning Iron,..... | Delta,..... | 200,000 | " |
| May 19, 1864 | Cincinnati Gold and Silver Mining, | Marquette,..... | 500,000 | " |
| May 5, 1864 | Concord Mining,..... | Houghton,..... | 500,000 | " |
| April 29, 1864 | Casetto Mining,..... | Houghton,..... | 500,000 | " |
| Dec. 23, 1864 | Calumet Mining,..... | Houghton,..... | 500,000 | " |
| Aug. 23, 1864 | Constitution Mining,..... | Ontonagon,..... | 500,000 | " |
| Oct. 23, 1869 | Central Mining,..... | Houghton,..... | 500,000 | " |
| March 10, 1863 | Caledonia Mining,..... | Ontonagon,..... | 500,000 | " |
| Jan. 13, 1864 | Chippewa Mining Co. of Mich.,... | Marquette,..... | 500,000 | " |
| April 6, 1863 | Chippewa Copper,..... | Ontonagon,..... | 500,000 | " |
| April 27, 1860 | Columbian Mining,..... | Houghton,..... | 500,000 | " |
| March 31, 1864 | Consolidated Silver Lead,..... | Marquette,..... | 500,000 | " |
| March 18, 1864 | Choctaw Mining Co. of Mich.,... | Houghton,..... | 500,000 | " |
| March 17, 1864 | Colling Copper,..... | Ontonagon,..... | 500,000 | " |
| March 17, 1864 | Cabot Mining,..... | Ontonagon,..... | 500,000 | " |
| Jan. 30, 1863 | Douglass Mining,..... | Houghton,..... | 500,000 | " |
| Jan. 7, 1864 | Douglass Mining Co. of Mich.,... | Houghton,..... | 500,000 | " |
| May 2, 1864 | Dexter Copper Mining,..... | Houghton,..... | 500,000 | " |
| April 25, 1866 | Detroit & Lake Superior Iron Man- ufacturing Co.,..... | Wayne,..... | 100,000 | " |

List of Corporations—Continued.

| Date of incorporation. | NAMES. | Counties where Located: | Capital. | Report'd. |
|------------------------|---|-------------------------|-----------|-----------|
| Sept. 27, 1859 | Dacotah Mining,..... | Houghton,..... | \$500,000 | Report'd |
| March 1, 1864 | Dover Mining,..... | Houghton,..... | 500,000 | Not rep. |
| April 24, 1854 | Dodge Mining,..... | Houghton,..... | 500,000 | " |
| April 30, 1853 | Dana Mining,..... | Houghton,..... | 500,000 | " |
| Aug. 29, 1855 | Douglass Houghton Mining Co.,... | Wayne & Ontonagon, | 600,000 | " |
| Feb. 10, 1864 | Detroit & Marquette Silver Lead, | Marquette,..... | 500,000 | " |
| Aug. 9, 1859 | Detroit Iron Mining,..... | Marquette,..... | 500,000 | " |
| March 30, 1855 | Derby Mining,..... | Ontonagon,..... | 500,000 | " |
| May 18, 1863 | Delaware Mining,..... | Keweenaw,..... | 500,000 | Report'd |
| May 19, 1863 | Dudley Mining,..... | Houghton,..... | 500,000 | " |
| Nov. 12, 1863 | Devon Mining,..... | Ontonagon,..... | 100,000 | Not rep. |
| Dec. 28, 1863 | Dorchester Mining,..... | Houghton,..... | 500,000 | " |
| Dec. 31, 1866 | Detroit Mining and Manufacturing, | Ontonagon,..... | 500,000 | " |
| March 12, 1864 | Edwards Copper Mining,..... | Houghton,..... | 500,000 | " |
| March 1, 1864 | Eagle Harbor Copper,..... | Keweenaw,..... | 500,000 | Report'd |
| Oct. 9, 1863 | Everett Mining,..... | Houghton,..... | 500,000 | Not rep. |
| Feb. 23, 1864 | Empire Copper,..... | Keweenaw,..... | 500,000 | Report'd |
| Jan. 28, 1864 | Excelsior Silver Lead,..... | Marquette,..... | 100,000 | Not rep. |
| Oct. 13, 1863 | Eldorado Silver Mining,..... | Houghton,..... | 500,000 | " |
| March 5, 1864 | Excelsior Mining,..... | Marquette,..... | 500,000 | " |
| Sept. 22, 1863 | Eureka Copper Mining,..... | Ontonagon,..... | 500,000 | Report'd |
| Oct. 13, 1858 | Excelsior Iron,..... | Marquette,..... | 100,000 | Not rep. |
| Feb. 24, 1853 | Eagle River Mining,..... | Houghton,..... | 250,000 | " |
| Dec. 3, 1853 | Empire Mining,..... | Houghton,..... | 500,000 | " |
| Sept. 23, 1853 | Erie Mining,..... | Ontonagon,..... | 250,000 | " |
| March 16, 1860 | Empire Mining,..... | Ontonagon,..... | 500,000 | " |
| Sept. 21, 1853 | Ever Green Bluff Mining,..... | Ontonagon,..... | 375,000 | Report'd |
| Oct. 29, 1853 | Eureka Iron,..... | Marquette & Wayne, | 500,000 | Not rep. |
| May 23, 1864 | Essex Mining,..... | Keweenaw,..... | 500,000 | " |
| Nov. 5, 1864 | Escanaba Mining,..... | Houghton,..... | 500,000 | " |
| Oct. 20, 1866 | Frontignac Mining,..... | Houghton,..... | 500,000 | Not rep. |
| April 16, 1864 | Federal Mining Co. of L. S., State of Michigan, | Marquette,..... | 500,000 | " |
| June 1, 1853 | Fire Steele Mining Co. of Pittsburgh,..... | Ontonagon,..... | 500,000 | " |
| Aug. 3, 1852 | Flint Steel River Mining Co.,..... | Ontonagon,..... | 30,000 | Report'd |
| April 5, 1864 | Fortuna Mining,..... | Marquette,..... | 500,000 | Not rep. |
| April 1, 1855 | Forest Iron,..... | Marquette,..... | 25,000 | " |
| Feb. 16, 1864 | Forest Sheppard Mining,..... | Ontonagon,..... | 500,000 | " |
| Feb. 13, 1864 | First National Silver Mining,..... | Marquette,..... | 500,000 | " |
| Jan. 24, 1863 | Forest City Mining,..... | Ontonagon,..... | 500,000 | " |
| Jan. 15, 1855 | Felton Copper,..... | Houghton,..... | 500,000 | " |
| April 14, 1855 | Forest Copper,..... | Ontonagon,..... | 500,000 | " |
| April 13, 1857 | Franklin Mining,..... | Houghton,..... | 500,000 | " |
| Oct. 31, 1863 | Frue Mining,..... | Houghton,..... | 500,000 | " |
| April 29, 1864 | Fautine Mining,..... | Houghton,..... | 500,000 | " |
| Nov. 23, 1866 | Grand Traverse Mining and Mineral Land,..... | Leelanaw,..... | 50,000 | Not rep. |
| May 10, 1864 | Golconda Mining,..... | Marquette,..... | 500,000 | " |
| May 19, 1864 | Galena Silver,..... | Houghton,..... | 500,000 | " |
| May 9, 1864 | Gratiot Copper Mining,..... | Keweenaw,..... | 500,000 | " |
| April 3, 1853 | Glen Mining,..... | Ontonagon,..... | 500,000 | " |
| Dec. 22, 1863 | Girard Mining Co. of Mich.,..... | Keweenaw,..... | 500,000 | Report'd |
| Feb. 25, 1853 | Gogebic Mining,..... | Ontonagon,..... | 375,000 | Not rep. |
| April 22, 1859 | Grand Island Iron,..... | Schoolcraft,..... | 400,000 | " |
| April 6, 1864 | Glade Mining,..... | Houghton,..... | 500,000 | " |
| Oct. 27, 1857 | Garden City Mining,..... | Houghton,..... | 500,000 | Report'd |
| March 21, 1864 | Grafton Mining,..... | Ontonagon,..... | 500,000 | Not rep. |
| May 9, 1860 | Grand Portage Copper,..... | Houghton,..... | 500,000 | Report'd |
| May 10, 1863 | Great Western Mining,..... | Ontonagon,..... | 500,000 | " |
| July 26, 1861 | Green Mountain Mining,..... | Ontonagon,..... | 500,000 | Not rep. |
| March 1, 1864 | Globe Copper,..... | Keweenaw,..... | 500,000 | " |
| March 5, 1864 | Globe Mining,..... | Houghton,..... | 500,000 | " |
| April 29, 1864 | Hugo Mining,..... | Houghton,..... | 500,000 | " |
| Dec. 23, 1864 | Hecia Mining,..... | Houghton,..... | 500,000 | " |
| June 6, 1864 | Hamilton Copper,..... | Ontonagon,..... | 500,000 | " |
| May 7, 1859 | Hamilton Mining,..... | Ontonagon,..... | 500,000 | " |
| March 23, 1854 | Hudson Mining,..... | Houghton,..... | 500,000 | " |
| April 8, 1864 | Hartford Mining Co. of Mich.,..... | Ontonagon,..... | 500,000 | " |
| March 7, 1864 | Houghton Copper,..... | Houghton,..... | 500,000 | " |

List of Corporations—Continued.

| Date of Incorporation. | NAMES. | Counties where Located. | Capital. | Report'd. |
|------------------------|---|-------------------------|-----------|-----------|
| March 12, 1864 | Huron Mountain Silver Mining... | Houghton,..... | \$500,000 | Not rep. |
| April 16, 1866 | Humbolt Mining,..... | Houghton,..... | 500,000 | " |
| Dec. 19, 1853 | Huron Mining,..... | Houghton,..... | 500,000 | " |
| March 23, 1860 | Hanover Mining,..... | Houghton,..... | 500,000 | " |
| May 26, 1863 | Bilton Mining,..... | Ontonagon,..... | 500,000 | Report'd |
| March 30, 1865 | Hudson Mining,..... | Ontonagon,..... | 500,000 | Not Rep. |
| April 29, 1859 | Hancock Mining,..... | Houghton,..... | 500,000 | " |
| Jan. 30, 1864 | Hope Copper,..... | State of Michigan,... | 500,000 | Report'd |
| March 20, 1866 | Highland Copper,..... | Houghton,..... | 500,000 | " |
| Nov. 28, 1863 | Hulbert Mining,..... | Houghton,..... | 500,000 | " |
| Nov. 3, 1863 | Hungarian Copper,..... | Houghton,..... | 500,000 | " |
| Sept. 7, 1863 | Humboldt Copper,..... | Houghton,..... | 500,000 | Not Rep. |
| Feb. 20, 1864 | Henwood Mines,..... | Keweenaw,..... | 500,000 | " |
| Dec. 30, 1853 | Hazard Mining,..... | Ontonagon,..... | 500,000 | " |
| Aug. 31, 1864 | Howard Mining,..... | Houghton,..... | 500,000 | " |
| April 16, 1864 | Home Copper Mining,..... | Keweenaw,..... | 500,000 | " |
| Aug. 31, 1864 | Holyoke Mining,..... | Marquette,..... | 500,000 | " |
| Oct. 30, 1866 | Iroquois Mining,..... | Houghton,..... | 500,000 | " |
| Jan. 3, 1865 | International Copper Mining Co. of L. S., State of Michigan,..... | Ontonagon,..... | 500,000 | " |
| Nov. 10, 1864 | Iron Mountain Mining,..... | Marquette,..... | 500,000 | " |
| Oct. 5, 1864 | Iron Cliffs,..... | Marquette,..... | 500,000 | Not Rep. |
| March 18, 1864 | Indiana Copper,..... | Ontonagon,..... | 500,000 | Report'd |
| Jan. 29, 1864 | Idaho Mining,..... | Marquette,..... | 500,000 | " |
| Feb. 13, 1864 | Isabella Silver Lead,..... | Marquette,..... | 500,000 | " |
| Dec. 22, 1863 | Iron River Mining,..... | Ontonagon,..... | 500,000 | Report'd |
| June 30, 1864 | Isle Royale Mining,..... | Houghton,..... | 500,000 | " |
| Jan. 30, 1864 | Idaho Mining,..... | Marquette,..... | 500,000 | Not Rep. |
| Oct. 1, 1866 | Jefferson Mining,..... | Houghton,..... | 500,000 | " |
| April 13, 1864 | Jackson Silver Lead,..... | Marquette,..... | 500,000 | " |
| March 31, 1865 | King Phillip Copper Mining,..... | Ontonagon,..... | 500,000 | " |
| April 9, 1864 | Knickerbocker Mining,..... | Keweenaw,..... | 500,000 | " |
| Feb. 8, 1864 | Keweenaw Silver Mining,..... | Houghton,..... | 500,000 | " |
| Dec. 28, 1863 | Keweenaw Copper,..... | Keweenaw,..... | 500,000 | " |
| May 15, 1865 | Keweenaw Paint, Copper and Silver Mining Co. of L. S.,..... | Houghton,..... | 500,000 | Not Rep. |
| Sept. 8, 1853 | Keweenaw Mining,..... | Houghton,..... | 500,000 | " |
| Aug. 13, 1860 | Knowlton Mining,..... | Ontonagon,..... | 500,000 | Report'd |
| Sept. 24, 1866 | Kearsarge Mining,..... | Houghton,..... | 500,000 | Not Rep. |
| Nov. 10, 1863 | LaFayette Mining,..... | Ontonagon,..... | 500,000 | " |
| Feb. 10, 1859 | Lone Rock Mining,..... | Ontonagon,..... | 500,000 | " |
| Dec. 2, 1864 | Livingston Mining,..... | Houghton,..... | 500,000 | Report'd |
| April 27, 1858 | Lawrence Land and Mining,..... | Houghton & Ontonagon, | 500,000 | Not Rep. |
| March 12, 1863 | Lake Superior Iron,..... | Marquette,..... | 300,000 | " |
| Jan. 1, 1864 | Lawrence Mining,..... | Ontonagon,..... | 500,000 | Not Rep. |
| March 17, 1864 | L'Anse Silver Lead Mining,..... | Houghton,..... | 500,000 | " |
| April 29, 1864 | La Platte Mining,..... | Houghton,..... | 500,000 | Not Rep. |
| March 14, 1863 | Magnetic Mining,..... | Ontonagon,..... | 375,000 | Report'd |
| Jan. 19, 1863 | Manhattan Mining,..... | Keweenaw,..... | 500,000 | Not Rep. |
| Aug. 2, 1859 | Madison Mining,..... | Houghton,..... | 500,000 | Report'd |
| June 25, 1866 | Metropolitan Mining,..... | Ontonagon,..... | 300,000 | Not Rep. |
| June 5, 1865 | Minnesota Mining,..... | Ontonagon,..... | 1,000,000 | Report'd |
| March 24, 1859 | Messard Mining,..... | Houghton,..... | 500,000 | " |
| May 16, 1866 | Mass Mining,..... | Ontonagon,..... | 500,000 | " |
| April 10, 1864 | Merryweather Mining,..... | Ontonagon,..... | 500,000 | Not Rep. |
| Aug. 11, 1863 | Merchants Mining,..... | Ontonagon,..... | 500,000 | " |
| April 8, 1863 | Mandan Mining,..... | Keweenaw,..... | 500,000 | " |
| Dec. 26, 1863 | Marquette Mining,..... | Marquette,..... | 500,000 | " |
| Dec. 23, 1863 | Meteor Mining,..... | Keweenaw,..... | 500,000 | Not Rep. |
| March 18, 1864 | Malden Copper,..... | Ontonagon,..... | 500,000 | " |
| July 21, 1863 | Merrimack Mining,..... | Ontonagon,..... | 500,000 | " |
| April 24, 1864 | Milton Copper,..... | Ontonagon,..... | 500,000 | Not Rep. |
| April 29, 1864 | Marlin Mining,..... | Houghton,..... | 500,000 | " |
| Dec. 30, 1864 | Michigan Iron,..... | Marquette,..... | 500,000 | " |
| May 21, 1864 | Middlesex Mining,..... | Keweenaw,..... | 500,000 | " |
| May 9, 1864 | Mystic Mining,..... | Marquette,..... | 500,000 | " |
| March 20, 1864 | Manitou Mining,..... | Houghton,..... | 500,000 | " |
| Jan. 8, 1863 | Meadow Mining Co. of Pittsburgh, | Houghton,..... | 250,000 | " |
| Aug. 31, 1863 | Montezuma Mining Co. of Portage Lake,..... | Houghton & Wayne,. | 500,000 | " |
| March 18, 1864 | Mohawk Mining Co. of Michigan, | Marquette,..... | 500,000 | " |
| May 4, 1859 | Miscouabuk Mining,..... | Ontonagon,..... | 500,000 | " |

List of Corporations—Continued.

| Date of Incorporation. | NAMES. | Counties where Located. | Capital. | Report'd. |
|------------------------|---|-------------------------|-----------|-----------|
| March 18, 1864 | Massachusetts Copper, Land and Mininz,..... | Ontonagon,..... | \$500,000 | Not rep |
| Sept. 30, 1863 | Morgan Iron,..... | Marquette,..... | 50,000 | " |
| Jan. 1, 1864 | Michigan Mining,..... | Ontonagon,..... | 500,000 | " |
| Nov. 10, 1863 | Marquette Silver Mining,..... | Marquette,..... | 500,000 | " |
| March 1, 1864 | Magnetic Iron Mining,..... | Marquette,..... | 500,000 | " |
| April 6, 1864 | Monitor Mining Co. of Mich.,..... | Houghton,..... | 500,000 | " |
| March 31, 1864 | Marquette Iron,..... | Marquette,..... | 500,000 | " |
| March 31, 1863 | New York Iron Mine,..... | Marquette,..... | 250,000 | " |
| Dec. 8, 1864 | New Jersey Mining,..... | Keweenaw,..... | 500,000 | Report'd |
| Aug. 24, 1864 | Nequemet Mining,..... | Ontonagon,..... | 500,000 | Not Rep. |
| July 9, 1864 | Noble Copper,..... | Keweenaw,..... | 500,000 | " |
| May 15, 1863 | New York Mining,..... | Keweenaw,..... | 500,000 | " |
| Nov. 24, 1863 | Nevada Mining,..... | Marquette,..... | 300,000 | " |
| Feb. 13, 1861 | Northern Light Silver Mining,..... | Marquette,..... | 500,000 | " |
| Feb. 13, 1864 | North Star Silver Mining,..... | Marquette,..... | 500,000 | " |
| April 11, 1864 | Nassau Mining,..... | Ontonagon,..... | 500,000 | " |
| Oct. 30, 1863 | North Silver Lake Mining Co.,..... | Marquette,..... | 500,000 | " |
| Oct. 30, 1863 | Nevada Mining,..... | Marquette,..... | 500,000 | " |
| Oct. 6, 1863 | Nebraska Mining,..... | Ontonagon,..... | 500,000 | " |
| Feb. 17, 1864 | New York, Pittsburgh and Isle Royale Mining,..... | Houghton,..... | 500,000 | " |
| April 7, 1864 | North Star Mining,..... | Houghton,..... | 500,000 | " |
| Oct. 18, 1863 | North Cliff Mining,..... | Houghton,..... | 500,000 | Report'd |
| March 30, 1865 | Norwich Mining,..... | Ontonagon,..... | 500,000 | " |
| May 2, 1864 | New England Copper,..... | Houghton,..... | 500,000 | " |
| May 22, 1865 | Nabass Mining Co. of L. S.,..... | Ontonagon,..... | 500,000 | Not Rep. |
| June 27, 1869 | Northern Iron,..... | Marquette,..... | 125,000 | " |
| March 25, 1869 | Naumkeag Mining,..... | Houghton,..... | 500,000 | " |
| Sept. 13, 1864 | Owosso City Coal Mining Co.,..... | Shiawassee,..... | 70,000 | " |
| March 5, 1864 | Osage Mining Co. of Mich.,..... | Marquette,..... | 500,000 | " |
| April 3, 1865 | Ohio Trap Rock Mining Co.,..... | Ontonagon,..... | 300,000 | " |
| May 7, 1869 | Oneida Mining,..... | Ontonagon,..... | 500,000 | " |
| Dec. 3, 1863 | Ogima Mining,..... | Ontonagon,..... | 500,000 | Report'd |
| June 25, 1863 | Ontonagon Copper Mining,..... | Ontonagon,..... | 500,000 | " |
| Sept. 15, 1863 | Oriental Mining,..... | Houghton,..... | 500,000 | Not Rep. |
| Oct. 29, 1863 | Ontario Mining Co. of Mich.,..... | Houghton,..... | 260,000 | " |
| May 2, 1864 | Ohio Mining,..... | Ontonagon,..... | 500,000 | " |
| Dec. 14, 1863 | Ontonagon Smelt. & Manufacturing,..... | Ontonagon,..... | 60,000 | " |
| April 15, 1864 | Otsego Mining of Michigan,..... | Houghton,..... | 500,000 | " |
| Oct. 22, 1866 | Ossipee Mining,..... | Houghton,..... | 500,000 | " |
| May 14, 1864 | Plymouth Rock Silver Lead Mining,..... | Houghton,..... | 500,000 | " |
| Nov. 18, 1864 | Peninsular Mining,..... | Marquette,..... | 500,000 | " |
| Feb. 24, 1863 | Providence Mining,..... | Keweenaw,..... | 500,000 | " |
| Jan. 13, 1864 | Pacific Mining,..... | Ontonagon,..... | 500,000 | " |
| March 9, 1864 | Pioneer Silver and Lead,..... | Marquette,..... | 500,000 | " |
| Feb. 23, 1864 | Philadelphia and Boston Mining,..... | Keweenaw,..... | 500,000 | " |
| April 2, 1869 | Pontiac Mining,..... | Houghton,..... | 500,000 | Report'd |
| Nov. 14, 1861 | Pennsylvania Mining Co. of Mich.,..... | Keweenaw,..... | 500,000 | " |
| March 18, 1864 | Portage Lake Mining,..... | Houghton,..... | 500,000 | Not Rep. |
| April 11, 1863 | Portage Mining,..... | Houghton & Wayne,..... | 250,000 | " |
| Oct. 26, 1863 | Presque Isle Mining,..... | Ontonagon,..... | 500,000 | " |
| April 11, 1863 | Pewabic Mining,..... | Houghton,..... | 500,000 | " |
| Feb. 1, 1865 | Peninsula Iron,..... | Marquette,..... | 500,000 | Report'd |
| April 7, 1867 | Pioneer Iron,..... | Marquette,..... | 125,000 | Not Rep. |
| Jan. 30, 1864 | Portage Lake Mining,..... | Houghton,..... | 500,000 | " |
| Nov. 11, 1865 | Pittsburgh and Lake Angeline Iron,..... | Marquette,..... | 500,000 | " |
| Nov. 13, 1865 | Phoenix Copper,..... | Keweenaw,..... | 500,000 | Report'd |
| June 2, 1864 | Phoenix Iron Co. of Marquette,..... | Marquette,..... | 500,000 | Not rep. |
| April 29, 1861 | Petherick Iron,..... | Houghton,..... | 500,000 | " |
| Aug. 29, 1866 | Porcupine Mountain Mining,..... | Ontonagon,..... | 500,000 | " |
| Jan. 14, 1861 | Portage Lake Smelting Works,..... | Houghton,..... | 100,000 | " |
| March 21, 1865 | Portage Albion Mining Co.,..... | Houghton,..... | 500,000 | " |
| June 16, 1860 | Penn. Mining Co. of L. S.,..... | Ontonagon,..... | 500,000 | " |
| Sept. 26, 1866 | Plutus Mining,..... | Ontonagon,..... | 500,000 | " |
| March 3, 1864 | Republic Mining,..... | Ontonagon,..... | 500,000 | " |
| April 26, 1864 | Rhode Island Mining,..... | Houghton,..... | 500,000 | Report'd |
| Feb. 27, 1864 | Reliance Mining,..... | Keweenaw,..... | 500,000 | Not rep. |

List of Corporations—Continued.

| Date of Incorporation. | NAMES. | Counties where Located. | Capital. | Report'd. |
|------------------------|---|---------------------------------------|-----------|-----------|
| Oct. 9, 1863 | Ridge Copper, | Ontonagon, | \$500,000 | Report'd |
| May 16, 1853 | Ripley Copper, | Houghton, | 500,000 | Not rep. |
| March 23, 1864 | Rosolute Mining, | Keweenaw, | 500,000 | Report'd |
| Oct. 17, 1853 | Rockland Mining, | Ontonagon, | 500,000 | " |
| June 4, 1858 | Roanoke Mining, | Ontonagon, | 500,000 | Not rep. |
| Nov. 16, 1866 | Raymbault Mining, | Houghton, | 500,000 | " |
| May 30, 1863 | Schoolcraft Iron, | Schoolcraft, | 500,000 | " |
| Nov. 25, 1862 | Summit Mining, | Ontonagon, | 500,000 | " |
| April 16, 1866 | Schoolcraft Mining, | Houghton, | 530,000 | " |
| March 18, 1864 | St. Clair Mining, | Keweenaw, | 500,000 | " |
| March 16, 1864 | St. Louis Copper, | Houghton, | 500,000 | Report'd |
| Aug. 31, 1855 | Summit Mining, | Houghton, | 500,000 | Not rep. |
| Jan. 28, 1864 | Shunewaw Silver Mining, | Marquette, | 500,000 | " |
| Jan. 23, 1855 | Sanford Mining, | Houghton, | 500,000 | " |
| April 16, 1860 | Seneca Mining, | Houghton, | \$500,000 | Report'd |
| March 10, 1863 | St. Mary's Copper Mining, | Houghton, | 500,000 | " |
| Nov. 18, 1864 | South Pewabic Copper, | Houghton, | 500,000 | " |
| June 8, 1864 | Salure Mining, | Ontonagon, | 500,000 | Not Rep. |
| Aug. 15, 1864 | Torch Light Mining, | Houghton, | 500,000 | " |
| June 22, 1864 | Shelden and Columbia Copper, | Houghton, | 500,000 | " |
| Oct. 2, 1863 | Silver Lake Mining, | Marquette, | 500,000 | " |
| March 18, 1864 | Sioux Mining Co. of Michigan, | Houghton, | 500,000 | " |
| Aug. 11, 1864 | Sedgwick Mining, | Marquette, | 500,900 | " |
| Dec. 1, 1864 | Springfield Mining, | Houghton, | 500,000 | " |
| May 18, 1864 | South Cliff Mining, | Keweenaw, | 500,000 | " |
| April 29, 1865 | Shirley Mining, | Ontonagon, | 500,000 | " |
| Dec. 5, 1864 | Springfield and Boston Copper Mining, | Keweenaw & Houghton, | 500,000 | " |
| June 11, 1863 | Shawmut Mining, | Ontonagon, | 500,000 | " |
| Feb. 24, 1854 | Sylvan Copper, | Ontonagon, | 500,000 | " |
| May 9, 1853 | Summit Copper Mining, | Houghton, | 500,000 | " |
| July 2, 1853 | Star Copper, | Houghton, | 500,000 | Report'd |
| Nov. 25, 1853 | Shelden Mining, | Houghton, | 500,000 | Not rep. |
| Oct. 7, 1853 | South-East Cliff Mining, | Houghton, | 500,000 | " |
| Dec. 13, 1854 | Stonington Mining, | Houghton, | 500,000 | " |
| April 6, 1857 | Silver Creek Mining, | Houghton, | 100,000 | Report'd |
| March 30, 1855 | Sharon Mining, | Ontonagon, | 500,000 | Not rep. |
| April 26, 1850 | South Side Mining, | Houghton, | 500,000 | Report'd |
| Sept. 3, 1859 | Suffolk Mining, | Houghton, | 500,000 | Not rep. |
| Oct. 17, 1855 | Superior Mining, | Ontonagon, | 500,000 | Report'd |
| May 1, 1854 | Sales Land and Mining, | Ontonagon, | 500,000 | Not rep. |
| June 15, 1863 | Teal Lake Iron Mining, | Marquette, | 500,000 | " |
| April 26, 1864 | Trout River Mining, | Marquette, | 500,000 | " |
| March 5, 1861 | Tremont Mining, | Ontonagon, | 500,000 | " |
| Aug. 14, 1864 | Torch Lake Mining, | Houghton, | 500,000 | " |
| May 1, 1863 | Union Copper, Land and Mining Co., of Michigan, | Keweenaw, Houghton & Ontonagon, | 500,000 | Report'd |
| Oct. 10, 1864 | Union Copper Co. of Lake Superior | Ontonagon, | 500,000 | Not rep. |
| May 14, 1864 | Union Gold, | Marquette, | 500,000 | " |
| Oct. 1, 1856 | Upland Mining, | Houghton, | 500,000 | " |
| June 23, 1854 | Valley Mining Co. of Michigan, | Houghton, | 250,000 | " |
| April 30, 1858 | Victoria Mining, | Ontonagon, | 500,000 | " |
| March 18, 1864 | Vulcan Mining, | Keweenaw, | 500,000 | Report'd |
| May 31, 1864 | Valley Copper, | Keweenaw, | 500,000 | Not rep. |
| March 29, 1864 | Valjean Mining, | Houghton, | 500,000 | " |
| April 30, 1853 | Winthrop Mining, | Houghton, | 500,000 | Report'd |
| Nov. 2, 1863 | Washington Copper, | Keweenaw, | 500,000 | " |
| Jan. 8, 1864 | Waukegan Copper, | Ontonagon, | 500,000 | Not rep. |
| Oct. 25, 1860 | Waukulla Mining, | Ontonagon, | 500,000 | " |
| March 30, 1856 | Winsor Mining, | Ontonagon, | 500,000 | " |
| July 8, 1854 | What Cheer Mining, | Ontonagon, | 500,000 | " |
| April 12, 1854 | West Minnesota Mining, | Ontonagon, | 500,000 | Report'd |
| Nov. 28, 1853 | Ward Mining, | Ontonagon, | 500,000 | Not rep. |
| March 18, 1864 | Winnebago Mining, | Houghton, | 500,000 | " |
| April 15, 1864 | Winona Mining Co. of Michigan, | Ontonagon, | 500,000 | " |
| Aug. 14, 1864 | Washington Iron, | Marquette, | 500,000 | " |
| Nov. 5, 1864 | Wyandot Mining Co. of Michigan, | Houghton, | 500,000 | " |
| Nov. 18, 1864 | Wadsworth Mining, | Houghton, | 500,000 | " |
| March 17, 1865 | Wyoming Mining Co. of Michigan, | Keweenaw, | 500,000 | Report'd |
| April 6, 1864 | Yellowstone Mining Co. of Mich., | Marquette, | 500,000 | Not rep. |

The following chartered companies have filed reports during the past year:

Act 126, 1848—Medora.

Act 168, 1848—National.

Act 177, 1849—Native.

Act 77, 1848—North Western, of Detroit.

Act 145, 1848—Quincy.

Act 85, 1848—Pittsburgh and Boston.

BANKING INCORPORATIONS.

BANKS ORGANIZED UNDER STATE LAWS.

| NAME. | Location. | Capital Stock. | Real Estate. | *Rate of Taxation. | Remarks. |
|--------------------------|-----------------------|----------------|--------------|--------------------|----------|
| Jackson City Bank, | Jackson, Mich., | \$100,000 00 | \$10,000 00 | ..... | ..... |

* One per cent. on capital stock, less real estate, due second Monday of January.

NATIONAL BANKS.

| NAMES. | Location. | Capital Stock. | Real Estate. | *Rate of Taxation. | Remarks. |
|---|----------------------------|----------------|--------------|--------------------|-------------------------|
| Albion, National Exchange Bank of | Albion, Mich., | \$50,000 00 | ..... | ..... | April installment paid. |
| Ann Arbor, First National Bank of | Ann Arbor, Mich., | 125,000 00 | \$14,908 98 | ..... | " " " " |
| Battle Creek, First National Bank of | Battle Creek, Mich., | 100,000 00 | 10,000 00 | ..... | " " " " |
| Coldwater, Coldwater National Bank of | Coldwater, " " " " " " | 100,000 00 | ..... | ..... | " " " " |
| Constantine, First National Bank of | Constantine, " " " " " " | 50,000 00 | 1,000 00 | ..... | " " " " |
| Detroit, " " " " " " " " | Detroit, " " " " " " | 100,000 00 | ..... | ..... | " " " " |
| " " " " " " " " | " " " " " " | 1,000,000 00 | 17,633 18 | ..... | " " " " |
| " " " " " " " " | " " " " " " | 200,010 00 | 51,640 53 | ..... | " " " " |
| " " " " " " " " | " " " " " " | 250,000 00 | ..... | ..... | " " " " |
| Dowagiac, First National | Dowagiac, " " " " " " | 50,000 00 | ..... | ..... | " " " " |
| East Saginaw, First National | East Saginaw, " " " " " " | 100,000 00 | ..... | ..... | " " " " |
| " " " " " " " " | " " " " " " | 200,000 00 | ..... | ..... | " " " " |
| Fenton, First National | Fentonville, " " " " " " | 50,000 00 | 7,300 00 | ..... | " " " " |
| Flint, " " " " " " " " | Flint, " " " " " " | 100,000 00 | ..... | ..... | " " " " |
| Grand Rapids, First National, | Grand Rapids, " " " " " " | 150,000 00 | 14,000 00 | ..... | " " " " |
| " " " " " " " " | " " " " " " | 120,000 00 | ..... | ..... | " " " " |
| Hillsdale, First National | Hillsdale, " " " " " " | 50,000 00 | 5,436 00 | ..... | " " " " |
| " " " " " " " " | " " " " " " | 100,000 00 | 4,500 00 | ..... | " " " " |
| Houghton, First | Houghton, " " " " " " | 160,000 00 | 2,800 00 | ..... | " " " " |
| Ionia, " " " " " " " " | Ionia, " " " " " " | 100,000 00 | 14,522 13 | ..... | " " " " |
| Jackson, " " " " " " " " | Jackson, " " " " " " | 100,000 00 | ..... | ..... | " " " " |

RAILROAD COMPANIES.

| NAME. | Cap'l Stock. | Capital Stock actually p'd in. | Cost of Con- struction. | Rate of Taxation. | Am't of tax paid last year. | Amount of taxes unpaid. | Remarks. |
|--------------------------------|-------------------|-----------------------------------|----------------------------|--|-----------------------------------|-------------------------------|---|
| Erie & Kalamazoo, ..... | ..... | \$300,000 00 | ..... | 1 1/2 per cent. on cost of road, | \$3,308 94 | ..... | By decree of Ct. taxed upon \$4,739,240 16. |
| Michigan Central, | \$6,315,906 | 6,315,906 00 | 10,681,710 37 | 3/4 per cent. on loans & p'd in cap'l, | 75,263 46 | ..... | Last year's pay't was on 1862 tax. Same |
| Michigan Southern, | 10,424,500 | 10,424,500 00 | 13,619,184 89 | Same, | 35,544 30 | ..... | am't due on each of years 1863-4-5 & 6. |
| Amboy, Lan. & Tra. Bay, | 5,000,000 | 130,827 42 | ..... | 1 per cent. on paid in capital, | 1,308 27 | \$1,308 27 | Total tax uncollected \$5,233 08. |
| Bay de Noquet & Mar., | 1,500,000 | 1,250,000 00 | ..... | ..... | ..... | ..... | Exempt from tax for 10 years from Feb. 7, |
| Chicago, Det. & Canada ..... | ..... | ..... | ..... | ..... | ..... | ..... | [1857. Act 191, 1857. |
| Grand Trunk Junction, | 2,190,000 | 1,074,736 33 | ..... | 1 per cent. on paid in capital, | 10,747 36 | ..... | ..... |
| Detroit Monroe & Toledo, | 500,000 | 414,100 00 | ..... | Same, | 4,141 00 | ..... | ..... |
| Flint & Pere Marquette, | 5,500,000 | 300,720 00 | ..... | Same, | 2,927 60 | 5,233 08 | ..... |
| Flint & Holly, | 400,000 | 400,000 00 | ..... | Same, | 4,000 00 | ..... | ..... |
| Jack'n, Lan. & Saginaw, ..... | ..... | ..... | ..... | ..... | ..... | ..... | No reports filed. |
| Kalamazoo & Sch'craft, ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... |
| Kalamazoo & Ontonagon, | 2,000,000 | 350,000 00 | ..... | ..... | ..... | ..... | Exempt from tax for 10 years from Mar. |
| Marquette & Three R., ..... | ..... | ..... | ..... | ..... | ..... | ..... | [11 '65. Act 145, '65. |
| Schoolcraft & Three R., ..... | ..... | ..... | ..... | ..... | ..... | ..... | No reports filed. |
| St. Joseph Valley, ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... |
| Detroit & Milwaukee, ..... | ..... | ..... | ..... | ..... | 22,971 48 | 22,000 00 | ..... |

STREET RAILWAY COMPANIES.

| NAME. | Cap'l Stock. | Capital Stock actually p'd in. | Cost of Con- struction. | Rate of Taxation. | Am't of tax paid last year. | Amount of taxes unpaid. | Remarks. |
|--------------------------------|----------------|-----------------------------------|----------------------------|--|-----------------------------------|-------------------------------|--|
| Bay City & Portsmouth, | \$24,000 | \$24,000 00 | ..... | ..... | \$120 00 | ..... | ..... |
| Corlies & Thunders Bay, | 10,000 | 10,000 00 | ..... | 1/2 of 1 per cent. on paid in Cap'l, | 50 00 | ..... | ..... |
| Detroit City, | 121,000 | 42,985 26 | 147,301 93 | Same, | 214 93 | ..... | ..... |
| East Saginaw City, | 60,000 | 60,000 00 | 57,155 48 | Same, | 25 00 | ..... | ..... |
| Fort Street & Riverwood, | 100,000 | 56,946 76 | 43,269 48 | Same, | 284 73 | ..... | No reports filed until '67, & no taxes paid. |
| Grand Rapids Street, | 60,000 | 15,300 00 | 47,150 00 | Same, ..... | ..... | ..... | No tax chargeable until 1867. |
| Fort Huron & Gratiot, | 30,200 | 17,550 00 | 13,179 06 | Same, ..... | ..... | ..... | No reports filed. |
| Salina Street, ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... |
| Saginaw Street, | 50,000 | 6,000 00 | 33,500 00 | Same, ..... | ..... | ..... | ..... |

INSURANCE COMPANIES.

TAX PAID DURING THE YEAR ENDING NOV. 30TH, 1866.

| TITLE. | Location. | *Rate and when Due. | Amount Paid. |
|--|-----------------------------|---------------------|--------------|
| Accidental,..... | Columbus, O.,..... | ..... | \$17 29 |
| Adriatic Fire,..... | New York City,..... | ..... | 143 77 |
| Ætna,..... | Hartford, Conn.,..... | ..... | 1,922 63 |
| Ætna Life,..... | "..... | ..... | 1,577 76 |
| Albany City Fire,..... | Albany, N. Y.,..... | ..... | 88 36 |
| American,..... | Providence, R. I.,..... | ..... | 19 22 |
| American Exchange Fire,..... | N. Y. City,..... | ..... | 12 89 |
| Arctic Fire,..... | "..... | ..... | 446 10 |
| Atlantic Fire,..... | Brooklyn, N. Y.,..... | ..... | 72 92 |
| Atlantic Fire and Marine,..... | Providence, R. I.,..... | ..... | 70 03 |
| Baltic Fire,..... | N. Y. City,..... | ..... | 38 07 |
| Bleekman Fire,..... | "..... | ..... | 7 65 |
| Berkshire Life,..... | Pittsfield, Mass.,..... | ..... | 1 47 |
| Brooklyn Life,..... | Brooklyn, N. Y.,..... | ..... | 9 10 |
| Buckeye Mutual,..... | Cleveland, O.,..... | ..... | 120 34 |
| Capital City,..... | Albany, N. Y.,..... | ..... | 1 43 |
| Charter Oak,..... | Hartford, Conn.,..... | ..... | 175 85 |
| Charter Oak Fire and Marine,..... | "..... | ..... | 207 83 |
| Citizens' Fire,..... | N. Y. City,..... | ..... | 71 05 |
| City Fire,..... | Hartford, Conn.,..... | ..... | 223 98 |
| Cleveland,..... | Cleveland, O.,..... | ..... | 57 35 |
| Columbia Fire,..... | N. Y. City,..... | ..... | 202 80 |
| Commerce,..... | Albany, N. Y.,..... | ..... | 57 52 |
| Commerce Fire,..... | N. Y. City,..... | ..... | 36 95 |
| Commercial Mutual,..... | Cleveland, O.,..... | ..... | 183 67 |
| Commonwealth Fire,..... | N. Y. City,..... | ..... | 77 14 |
| Connecticut Fire,..... | Hartford, Conn.,..... | ..... | 54 23 |
| Connecticut Mutual Life,..... | "..... | ..... | 4,777 89 |
| Continental,..... | N. Y. City,..... | ..... | 386 06 |
| Corn Exchange,..... | "..... | ..... | 381 72 |
| Equitable Life,..... | "..... | ..... | 152 76 |
| Exchange Fire,..... | "..... | ..... | 23 08 |
| Fulton Fire,..... | "..... | ..... | 132 15 |
| Germania, Hanover, Niagara and Rep. Fire,..... | "..... | ..... | 794 00 |
| Germania,..... | "..... | ..... | 267 04 |
| Globe Mutual Life,..... | "..... | ..... | 8 40 |
| Guardian Fire,..... | "..... | ..... | 138 64 |
| Guardian Life,..... | "..... | ..... | 12 69 |
| Hartford Fire,..... | Hartford, Conn.,..... | ..... | 1,060 84 |
| Home,..... | New Haven, Conn.,..... | ..... | 226 88 |
| Home,..... | N. Y. City,..... | ..... | 4,899 41 |
| Home Life,..... | Brooklyn, N. Y.,..... | ..... | 28 83 |
| Hope,..... | Providence, R. I.,..... | ..... | 73 07 |
| Howard,..... | N. Y. City,..... | ..... | 258 00 |
| International,..... | "..... | ..... | 321 42 |
| Irving Fire,..... | "..... | ..... | 650 43 |
| Jersey City,..... | Jersey City,..... | ..... | 36 00 |
| Knickerbocker Life,..... | N. Y. City,..... | ..... | 22 23 |
| LaFayette Fire,..... | Brooklyn, N. Y.,..... | ..... | 39 69 |
| Lamar Fire,..... | N. Y. City,..... | ..... | 72 91 |
| Lenox Fire,..... | "..... | ..... | 20 64 |
| Liverpool, London and Globe,..... | Liverpool & N. Y. C'y,..... | ..... | 234 37 |
| Long Island,..... | Brooklyn, N. Y.,..... | ..... | 36 66 |
| Lorillard Fire,..... | N. Y. City,..... | ..... | 460 69 |
| Lumbermen's,..... | Chicago, Ill.,..... | ..... | 26 77 |
| Manhattan,..... | N. Y. City,..... | ..... | 702 41 |
| Manhattan Life,..... | "..... | ..... | 76 70 |
| Market Fire,..... | "..... | ..... | 66 71 |
| Massasoit,..... | Springfield, Mass.,..... | ..... | 50 21 |
| Mercantile Fire,..... | N. Y. City,..... | ..... | 51 98 |
| Mercantile Mutual,..... | "..... | ..... | 261 53 |
| Merchants',..... | Chicago, Ill.,..... | ..... | 251 24 |
| Merchants',..... | Hartford, Conn.,..... | ..... | 396 67 |
| Merchants',..... | Providence, R. I.,..... | ..... | 9 61 |
| Metropolitan,..... | N. Y. City,..... | ..... | 935 99 |
| Mutual,..... | Buffalo, N. Y.,..... | ..... | 363 23 |

INSURANCE COMPANIES—CONTINUED.

| TITLE. | Location. | *Rate and when due. | Amount paid. |
|-----------------------------------|---------------------------|---------------------|--------------|
| Mutual Benefit Life,..... | Newark, N. J.,..... | ..... | \$3,074 12 |
| Mutual Life,..... | N. Y. City,..... | ..... | 812 18 |
| Mutual Life and Investment,..... | Chicago, Ill.,..... | ..... | 73 09 |
| Naraganset Fire and Marine,..... | Providence, R. I.,..... | ..... | 31 32 |
| National,..... | Boston, Mass.,..... | ..... | 50 50 |
| National Life and Travelers,..... | N. Yr City,..... | ..... | 1 38 |
| New England Fire,..... | Hartford, Conn.,..... | ..... | 210 54 |
| New England Mutual Life,..... | Boston, Mass.,..... | ..... | 436 26 |
| New York Life,..... | N. Y. City,..... | ..... | 3,452 20 |
| North American,..... | Philadelphia, Penn.,..... | ..... | 422 08 |
| North American Fire,..... | Hartford, Conn.,..... | ..... | 257 83 |
| North American Fire,..... | ..... | ..... | 342 52 |
| North American Life,..... | N. Y. City,..... | ..... | 86 77 |
| Northwestern,..... | Oswego, N. Y.,..... | ..... | 166 49 |
| Northwestern Mutual Life,..... | Milwaukee, Wis.,..... | ..... | 392 15 |
| Norwich Fire,..... | Norwich,..... | ..... | 39 85 |
| Pacific Fire,..... | N. Y. City,..... | ..... | 26 34 |
| Park Fire,..... | "..... | ..... | 115 29 |
| Phoenix Fire,..... | "..... | ..... | 665 22 |
| Phoenix,..... | Hartford, Conn.,..... | ..... | 858 05 |
| Providence Washington,..... | Providence, R. I.,..... | ..... | 84 16 |
| Putnam Fire,..... | Hartford, Conn.,..... | ..... | 248 93 |
| Relief Fire,..... | N. Y. City,..... | ..... | 34 41 |
| Resolute Fire,..... | "..... | ..... | 121 36 |
| Roger Williams,..... | Providence, R. I.,..... | ..... | 17 63 |
| Security,..... | N. Y. City,..... | ..... | 841 83 |
| Security Life and Annuity,..... | "..... | ..... | 37 72 |
| Springfield Fire and Marine,..... | Springfield, Mass.,..... | ..... | 401 72 |
| Standard Fire,..... | N. Y. City,..... | ..... | 71 38 |
| Starr Fire,..... | "..... | ..... | 7 63 |
| State Fire,..... | Cleveland, O.,..... | ..... | 11 55 |
| Sun,..... | "..... | ..... | 4 49 |
| Travelers,..... | Hartford, Conn.,..... | ..... | 499 64 |
| Travelers,..... | Providence, R. I.,..... | ..... | 3 32 |
| Union Mutual Life,..... | Augusta, Me.,..... | ..... | 491 47 |
| United States Life,..... | N. Y. City,..... | ..... | 166 21 |
| Universal Life,..... | "..... | ..... | 19 88 |
| Washington,..... | "..... | ..... | 56 11 |
| Western,..... | Buffalo, N. Y.,..... | ..... | 341 91 |
| Western Massachusetts,..... | Pittsfield, Mass.,..... | ..... | 229 62 |
| Yonkers and New York Fire,..... | Yonkers, N. Y.,..... | ..... | 227 47 |
| Total,..... | ..... | ..... | \$40,039 74 |

* Three per cent. on gross receipts, payable in February. Acts 54, 1861, and 153, 1865.

MOTIONS AND RESOLUTIONS.

Mr. Morton offered the following resolution, which was adopted:

Resolved, That the use of the Senate Chamber be granted, this evening, to Prof. Grimes, for a free lecture on the formation of continents.

On motion of Mr. Mussey,

The Convention went into committee of the whole,

Mr. McClelland in the chair.

IN COMMITTEE OF THE WHOLE.

The committee resumed the consideration of the article entitled "Corporations other than Municipal."

The question being on the amendment of Mr. Lothrop to Sec. 6, to add, in line 2, after the word "House," the following:

"Nor shall the rights of any corporation organized under a general law be affected by any subsequent amendment, alteration or repeal of such law, unless such amendment, alteration or repeal shall be passed by the vote of two-thirds of the members elected to each House, and unless the same is made expressly applicable to existing corporations."

Mr. Ninde moved to amend the amendment by striking out the words, "unless such amendment, alteration or repeal shall be passed by the vote of two-thirds of the members elected to each House, and," in the third, fourth and fifth lines.

Mr. Williams moved to amend section 6, by striking out the word "heretofore," in the first line, and inserting after the word "granted," in the second line, the words "prior to January 1st, 1851."

Mr. Conger offered the following substitute for Sec. 6:

Sec. 6. The Legislature may pass laws altering and amending general or special laws relating to corporations, and the amendments thereto, by the same majority vote as was required in the passage of the original laws respectively.

The amendment of Mr. Ninde was withdrawn.

The amendment of Mr. Lothrop was not agreed to.

Mr. Pringle offered the following as an amendment to the amendment of Mr. Williams:

Strike out of line 1, section 6, the words "act of incorporation," and insert in place thereof the words "special charter."

Mr. Chapin moved that the committee rise, report progress, and ask leave to sit again.

The motion prevailed.

IN CONVENTION.

The committee, through the chairman, submitted the following report:

The committee of the whole have had under consideration Article —, entitled "Corporations other than Municipal;"

Have made some progress therein, but not having gone through therewith, have directed me to report that fact to the Convention, and ask leave to sit again.

R. McCLELLAND, *Chairman*.

Report accepted, and leave granted the committee to sit again.

Mr. Lovell moved that the Convention take a recess until 2½ o'clock.

Mr. Conger moved that the Convention adjourn;

Which motion did not prevail.

Mr. Alexander moved to take a recess until 3 o'clock;

Which motion did not prevail.

The motion to take a recess until 2½ o'clock then prevailed.

—
AFTERNOON SESSION.

2½ o'clock P. M.

The Convention was called to order by the President.

Roll called: a quorum present.

Mr. Lovell moved to suspend the regular order of business and resume the order of motions and resolutions;

Which motion did not prevail.

On motion of Mr. Farmer,

The Convention went into committee of the whole on Article —, entitled "Corporations other than Municipal,"

Mr. McClelland in the chair.

—
IN COMMITTEE OF THE WHOLE.

The committee resumed the consideration of the article entitled "Corporations other than Municipal."

The question being on the amendment of Mr. Pringle to the amendment of Mr. Williams,

It was not agreed to.

The question recurring on the amendment of Mr. Williams,

It was not adopted.

Mr. Van Riper moved to amend Sec. 6, by striking out the words "heretofore granted;"

Which motion prevailed.

Mr. Blackman moved to amend the section by inserting after the word "any," in line one, the word "special;"

Which motion did not prevail.

The question recurring on the substitute offered by Mr. Conger,

Mr. Farmer called for a division of the question.

The question being on striking out section 6,

Mr. T. G. Smith moved to amend the section by inserting after the word "incorporation," in the first line, the words "or any general incorporation law;"

Which motion did not prevail.

Mr. Pratt moved to add to section 6, the following words: "Nor to corporations organized under general laws."

Mr. Corbin moved that the committee rise, report progress, and ask leave to sit again;

Which motion did not prevail.

The amendment offered by Mr. Pratt was not agreed to.

The question recurring on the substitute for the section offered by Mr. Conger,

The motion for a division of the question was withdrawn.

Mr. Giddings moved that the committee rise, report progress and ask leave to sit again;

Which motion did not prevail.

The substitute of Mr. Conger was then adopted.

The question recurring on the motion to strike out the section as amended,

It was withdrawn.

Mr. Lovell moved that the committee rise, report progress, and ask leave to sit again.

The motion prevailed.

IN CONVENTION.

The committee, through the chairman, submitted the following report:

The committee of the whole have had under consideration Article —, entitled "Corporations other than Municipal;"

Have made some progress therein, but not having gone through therewith, have directed me to report that fact to the Convention, and ask leave to sit again.

R. McCLELLAND, *Chairman*.

Report accepted.

Leave was granted the committee to sit again.

On motion of Mr. Norris,

The Article as amended in committee of the whole, was ordered printed in the journal.

The article, as amended thus far, in committee of the whole, is as follows:

ARTICLE —.

CORPORATIONS OTHER THAN MUNICIPAL.

SECTION 1. Corporations to transact business as common carriers, banks or insurance companies, shall be formed only under general laws. No special charter other than for municipal, religious, literary or charitable purposes, shall be granted, except by a two-thirds vote of all the members elected to each House. All laws passed pursuant to this section may be altered, amended or repealed.

Sec. 2. The stockholders of every corporation or association for banking purposes, issuing bank notes or paper credits, to circulate as money, shall be individually liable for all debts contracted during the term of their being stockholders of such corporation or association, equally and ratably to the extent of their respective shares of stock in any such corporation or association.

Sec. 3. The Legislature shall provide for the registry of all bills or notes issued or put in circulation as money, by any bank organized under the laws of this State, and shall require

security to the full amount of notes and bills so registered, in interest bearing stocks of this State, or the United States, which shall be deposited with the State Treasurer, for the redemption of such bills or notes in lawful money of the United States.

Sec. 4. In case of the insolvency of any bank or banking association, the bill-holders thereof shall be entitled to preference in payment, over all other creditors of such bank or association.

Sec. 5. The Legislature shall pass no law authorizing or sanctioning the suspension of payments by any corporation.

Sec. 6. The Legislature may pass laws altering or amending general or special laws relating to corporations, and the amendments thereto, by the same majority vote as was required in the passage of the original laws respectively.

Sec. 7. No corporation or joint stock association shall hold any real estate hereafter acquired for a longer period than ten years, except such real estate shall be actually occupied by such corporation in the exercise of its franchises.

Sec. 8. Aliens, resident or non-resident, shall always possess equal rights with citizens, to be officers or stockholders of any corporation or joint stock association.

On motion of Mr. Holmes,

The Convention adjourned.

NINETEENTH DAY.

Lansing, Monday, June 10, 1867.

The Convention was called to order by the President at 9 o'clock A. M.

Prayer by Rev. Mr. Weed.

Roll called: a quorum present.

PRESENTATION OF PETITIONS.

By Mr. Kenney: petition of W. C. McEntee, D. W. Richardson, O. P. Strobbridge and 105 others, citizens of Lapeer county, in favor of a clause for a license law;

By the same: petition of Robert Hamilton, John Robertson, and 67 others, of Lapeer county, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. Henderson: memorial of D. Darwin Hughes, J. D. Wooley, M. N. Cuningham, J. N. Robinson and Wm. D. Adams, members of the bar of the city of Marshall, relative to providing in the Constitution for the appointment by the Governor, of all members of the Supreme and Circuit Courts, and for such an increase of salary as shall secure the best legal talent in the State.

Referred to the judicial department.

By Mr. Mussey: petition of Wm. R. Sutton, S. M. Stone, Fayett Hurd and 57 others, citizens of the township of Richmond, county of Macomb, praying that section 47 of article 4, of the present Constitution, be retained in the new.

Referred to the committee on intoxicating liquors.

By Mr. Pratt: petition of Samuel Divine and 35 men, and Lucy Divine and 40 women, praying for equal suffrage to men and women.

Referred to the committee on elections.

By Mr. Farmer: petition of R. B. Duncan, Wm. S. Maynard, F. A. Potter, Charles Kreeger and 150 others, citizens of St. Joseph, Berrien county, asking that the Legislature be empowered to pass license laws for the sale of wines and liquors.

Referred to the committee on intoxicating liquors.

By Mr. Birney: petition of Theodore Rosa, George Frost and 163 others, citizens of Bay county, praying for the enactment of a license law for the sale of spirituous liquors.

Referred to the committee on intoxicating liquors.

By Mr. Willard: petition of L. C. Kellogg, John Wiley, R. Dell, T. Wakellee, C. B. Parker, John Doy and 96 others, citizens of Battle Creek and vicinity, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. White: petition of the General Association of Michigan Congregationalists, W. P. Russell, Samuel Phillips, J. S. Kidder, Martin Wilson and 76 others, residents and legal voters of Michigan, asking that section 47, article 4, of the present Constitution be incorporated in the new one.

By the same: petition of Hon. Allen Potter, Hon. F. W. Curtenius, Hon. Charles S. May, W. W. Peck, Henry Wood and 361 others, citizens of Kalamazoo, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. Blackman: petition of J. R. Skinner and 57 others, legal voters of Van Buren county, praying that section 47, article 4, of our present Constitution, be retained in the new instrument;

By the same: petition of A. H. Hathaway and 20 others, legal voters of Van Buren county, on the same subject;

By the same: petition of D. D. Wise and 16 others, legal voters of Van Buren county, on the same subject;

By the same: petition of Mrs. M. A. Blackman, Mrs. F. E. Hoyt and 78 other ladies of Paw Paw, Van Buren county, on the same subject;

By the same: petition of Mrs. C. S. Maynard, Mrs. R. Gernsey, Mrs. S. M. Young and 99 others, ladies of Paw Paw, Van Buren county, on the same subject;

By the same: petition of Mrs. M. W. Hugo, Mrs. C. Haywood and 63 other ladies, of Paw Paw, Van Buren county, on the same subject;

By the same: petition of Jennie Aldrich and Rhoby S. Stoughton, and 50 others, ladies of Paw Paw, Van Buren county, on the same subject;

By the same: petition of Miss Emma Murry, Mrs. Hattie Hopping and 34 others, ladies of Paw Paw, Van Buren county, on the same subject;

By the same: petition of Mrs. E. L. Clark, Mrs. O. Hawley and 34 others, lades of Paw Paw, Van Buren county, on the same subject;

Referred to the committee on intoxicating liquors.

By Mr. Barber: petition of Chas. Upson, member of Congress, D. C. Powers, mayor of the city of Coldwater, and 208 other citizens and electors of said city, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. Burtenshaw: petition of S. Sutter, John T. Coffman

and 114 others, citizens of Ontonagon county, Lake Superior, praying for the enactment of a license law for the sale of spirituous liquors.

Referred to the committee on intoxicating liquors.

By Mr. Yeomans: petition of Rev. John Van Vleck, Rev. F. B. Bangs, Louis S. Lovell, H. Rich, A. B. Morse, W. C. Page, A. S. Wright, E. S. Johnson and 40 others, citizens of Ionia county, praying that section 47, article 4 of the old Constitution be retained in the new.

Referred to the committee on intoxicating liquors.

By Mr. Miles: petition of John A. Hirt, William Sass and 114 others, citizens of Casco, St. Clair county, against the passage of any law forbidding the manufacture and sale of beer and liquors, and disclaiming such law to be an intervention of their personal liberty rights.

Referred to the committee on intoxicating liquors.

By Mr. Morton: petition of James T. Dwyer, Springfield, Illinois, United States, North America, asking on behalf of the Irish people, that the Constitutional Convention, now convened at Lansing, for the amendment of the present Constitution of the State of Michigan, make the official recognition of "the National Flag" and "the National Seal," of the Kingdom of Ireland, as known and acknowledged by contemporary nations previous to the year 1800, part of the proceedings of its body, by inserting in its amended Constitution general or special provisions covering such recognition, and also declaring belligerent rights to the Irish people, and for other purposes.

Referred to the committee on miscellaneous provisions, and ordered printed in the Journal.

The petition is as follows:

SPRINGFIELD, ILLINOIS, May 25th, 1867.

To the President and members of the Constitutional Convention, convened at Lansing, for the amendment of the present Constitution of the State of Michigan:

Your petitioner would respectfully represent to your Honorable body, that he is a native of Ireland, and a citizen of the

United States and of the State of Illinois; that he owes no allegiance and never did owe any but compulsory allegiance to the Crown of Great Britain, acting through the unlawful dictation of "the Imperial Parliament." On the contrary, he claims that the so-called union between England, Scotland and Ireland, dating from the year 1800, having transferred by violence, fraud and corruption, to English soil, without any sanction or authority from the Irish people, the whole of their legislative rights, as existing up to that period; and that in defiance, not only of the local laws and Constitution of Ireland, but also in direct violation of the well settled "law of nations," which substantially declares: "That no voluntary transfer from one nation to another of national or legislative rights or powers can be accomplished, so as to make it binding upon the transferred nation, unless it can be shown to the satisfaction of acknowledged governments, and for their future peace and security, that the people of the transferred nationality have been called on to vote 'for' or 'against' the transfer, and that the question of transfer has gone through the form of casting the popular vote 'for' or 'against' the measure. And that in case of refusal or omission to attach this imperative qualification to the change, the transfer is null and void, and the transferred parties are fully clothed with belligerent rights for the arrest of the transfer or the restoration of their original condition, regardless of the time which may have elapsed before they have the military ability to place themselves in a belligerent position promising success."

And it will be seen that this law of nations compels civilized governments to act under its imperative dictates, as exhibited in the popular vote taken in the case of Savoy, before its annexation to France, and which vote was clamorously demanded of Louis Napoleon as an international obligation, by the press, parliament, oligarchy, churchmen, and people of England, in the jealous hope that the people of Savoy would cast a negative vote, to the mortification of the French.

More recently, but to carry out the spirit of this popular and

international principle, Venetia, after being conquered from Austria, was called on to take a formal popular vote before her annexation to the kingdom of Italy so that no pretense should be left for opening up future discussions as to the willingness of her people to the annexation, and effectually removing any excuse on this question for disturbing the peace of Europe hereafter.

While writing, "the telegraph" announces "the government of Canada;" the people of the separate Provinces having been called on to vote "for" or "against" the confederation. British injustice, by this substantial act, voluntarily admitting the correctness of the principle, as regards the Canadas, and at the same time denying it as to Ireland.

The commanding necessity of compelling nations to adhere strictly to this international principle, is fully illustrated by the position, which the omission to take a formal vote of the Irish people at the time of the fictitious union between England and Ireland, has placed both countries, as regards their relations to the sister nations. Governments, civilized and uncivilized, whose interests are for the maintenance of peace, without being in any manner parties to this omission of taking the Irish vote, but which, owing to those many political complications besetting national interests, know not at what moment that the Irish people, scattered abroad by the million, and fully alive to the international defect of the union, and exasperated by the last sixty-seven years of brutal legislation and misgovernment of Ireland by the Imperial Parliament of Great Britain, may burst into a conflagration, involving not only British interests, but also those of innocent and unoffending nations, in a desolating and universal war, with every indication of its being a war of retaliation and extermination between the original parties. Because there is no disguising the conclusion, that this question "of not having taken the popular vote of the Irish people in the year 1800," or a *refusal*, on the part of the Crown of Ireland, to restore the Irish Parliament—which it alone has the exclusive right of doing—by the easy process of taking, at some future, but not far distant

day, the vote of the people of Ireland "for" or "against" her domestic Parliament, must and will result in a determined and successful effort to drive from the soil of Ireland the present reigning family and its parasites.

Your petitioner would further represent, that previous to the illegal absorption of the Irish domestic Parliament by the Imperial Parliament of Great Britain, Ireland was governed by her own Parliament, exercising supreme legislative functions. The Crown of Ireland through its Viceroy, or Lord Lieutenant, possessing a simple veto power over the acts of the Irish Parliament similar to that now exercised over the Imperial Parliament of Great Britain, and having no more constitutional authority from any source, real or pretended, to transfer the Irish Parliament to the soil of England without the consent of the people of Ireland, than it would be to transfer the present Imperial Parliament of Great Britain to the soil of France, or the forests of Michigan, without the consent of the people of Great Britain. And so forcible is this position of the want of authority in the Crown of Ireland to sanction the annihilation of the Irish Parliament, that, had this union resulted in the same disaster to England as it has been disastrous to Ireland, the unconstitutional action of George III, in giving his willing sanction to its consummation, would have been made a basis of impeachment against him and his advising ministers; and England would have many years since changed the executive head of her government, and probably purged herself of the whole Guelph family and of royalty.

This National Independence which was annihilated by the Union of 1800, carried with it the right to maintain an army and navy, to coin money, punish crime and contract loans on the credit of the Irish nation.

It also conferred the international right to carry on the high seas, and at the head of her armies, a distinct national emblem, this emblem being known and acknowledged as "the national flag of the Kingdom of Ireland." The right to use a separate

and distinct "seal" was also possessed and acted on by her national executive and public functionaries.

And your petitioner would further state, that it will be found on examination of "the journals of the Irish parliament of the date of the so-called act of Union of 1800, that the essential vote of the people of Ireland never was taken nor ordered to be taken, and your petitioner claims in common with hosts of more able authorities, speaking and writing in denunciation of this Union, from the year 1800 to the present day, that by reason of this and other defects in the proceedings, "the Union of Great Britain and Ireland has never been accomplished as a legal fact." And that consequently the official "National flag," as carried by the Irish army and navy, previous to the year 1800, and the "official seal" as used by her public functionaries, still exist, and have been from the year 1800 to the present time, in a condition of illegal suppression by force of English arms, and that they are now only awaiting the legal action of foreign independent Governments and foreign tribunals of international law to restore them to their original condition of acknowledged nationality.

Your petitioner would therefore respectfully ask that your honorable body would pass a resolution declaring substantially:

"That the official vote of the people of Ireland, sanctioning the removal of the Irish government from Ireland to England, in the year 1800, required by the law of nations, not having been demanded or given at that time or since, 'the flag' as acknowledged and 'the seal' as used by the Irish government up to the year 1800, have not by the operation of the so-called act of union of Ireland with England, in any manner lost their legal international standing in the State of Michigan, and that they still represent the independent government of Ireland, and will be recognized by us when called on to do so by any provisional government exhibiting rational evidence of stability and existence, which may be hereafter organized for their national restoration. And that we hereby acknowledge the right of such provisional government to organize and arm, and that

such provisional government, its allies, adherents and supporters are and shall forever remain belligerents in any war carried on for such national restoration of said 'flag' and 'seal' of the kingdom of Ireland."

And your petitioner would further ask:

"That the Legislature and Executive of the State of Michigan be fully empowered in the amended Constitution to carry out the spirit of the foregoing resolutions, by inserting a special article authorizing them to issue the credit of the State of Michigan to said provisional Irish government, and to enter into any contract with said government not conflicting with the laws and Constitution of the United States and the State of Michigan: *Provided*, The products, navigation, patent, civil, legal and religious interests of Michigan and Ireland are placed on an entire equality of full and unrestricted freedom as regards each other."

Your petitioner would most respectfully submit: that he does not wish to be understood as claiming that the State of Michigan has any sovereign right to attach any official value to any flag or seal, outside of the powers vested by the Constitution in the Federal Government, but he does claim that the State of Michigan or any and all of the States can express their individual opinions, when an international law is violated, as to the value of the political obligations of the suffering or delinquent nationalities, and in this particular case, Great Britain denying the political or national existence of said "flag" and "seal" of Ireland, and insisting from the year 1800 that they had no existence, being brought before you as a part of one of the great nations of the earth to be tried at the bar of public opinion, and failing in presenting you with an unbroken chain of constitutional, parliamentary and international law and facts in support of her pretensions, and relying solely on her ability to exercise jurisdiction by "brute force." You certainly have the natural right to give expression to your opinions as citizens individually or collectively in Convention, and to take any reasonable steps in spreading your conclusions and desires before the world, not

conflicting with the international laws as received, or with the Constitution and laws of the United States.

But the semi-official, or official admission by the State of Michigan and all the other States of the Union as individual States of "the legal status" of "the Irish flag" and "seal" within each State, would certainly be followed by a similar admission on the part of Congress, which admission would be tantamount to an international legal decision. That the act of Union between England and Ireland dating from the year 1800, has never been legally accomplished, the international obligation of "the national vote of the people of Ireland," being wanting to complete the connexion.

Should the States individually, and Congress afterwards declare that "the flag" and seal of Ireland previous to 1800, represented the Irish Government—their declarations would be followed by other independent Governments, and the belligerent rights of "the Irish people," claiming under the strong title universally admitted.

Your petitioner would respectfully suggest that the prompt action of the State of Michigan, in acknowledging "the flag" and "seal" of Ireland, is at the present moment of immense value to the cause of Ireland. Many of our States are holding their Constitutional Conventions, others are holding their Legislative sessions, and as it is designed to ask each of them for the same recognition of the "flag" and "seal;" it is highly desirable that your State, being the first called on, should set the glorious example of being the first to give an early response and approval.

In conclusion, your petitioner regards this "flag" and "seal" question as the turning point of Irish independent legislation, and asks of the State of Michigan, and all the other States of the Union, that practical sympathy and assistance which the free and prosperous should be always willing to extend to the feeble and down-trodden, and asks you again to admit the present legal existence, within the State of Michigan, of "the flag" and "seal" of the Irish nation, as recognized before the year

1800, and the belligerent rights of the Irish people, until a vote of the Irish people is taken "for" or "against" a union with England.

And your petitioner will ever pray.

JAMES T. DWYER.

MOTIONS AND RESOLUTIONS.

Mr. McClelland offered the following resolution, which was adopted:

Resolved, That the Secretary of State be requested to report to this Convention the number of pardons granted by each Governor since the adoption of the Constitution of 1850, and the length of time each Governor was in office, for what time each convict was sentenced to serve, the time when pardoned, and for what crime convicted.

Mr. Burtch offered the following:

Whereas, On the 30th day of May ult., the following preamble and resolution were offered by Mr. Root, and adopted by this Convention:

" *Whereas*, This Convention has been from day to day greatly annoyed and interrupted in its deliberations by the disorderly and incoherent remarks of one of its members; therefore,

" *Resolved*, That it be referred to a committee of five, to ascertain and report what measures are necessary to protect the Convention from such annoyances and interruptions."

And whereas, The matter so introduced has been made the occasion of sundry abusive and uncalled for attacks upon a member of this Convention, by various newspaper writers and reporters, one of whom occupies a desk in this Hall;

And whereas, Both before the adoption of the preamble and resolution, and the appointment of the committee thereunder, and since that time, it has been a matter of doubt among intelligent men (not newspaper scribblers) to whom reference might be had; therefore,

Resolved, That the said committee be required to report the result of their investigation of the matter referred, that the odium or implied censure may rest where it properly belongs,

and occasion removed for further attacks upon an innocent party.

On motion of Mr. Giddings,

The preamble and resolution were indefinitely postponed.

On motion of Mr. Rafter,

The Convention went into committee of the whole,

Mr. McClelland in the chair.

IN COMMITTEE OF THE WHOLE.

The committee resumed the consideration of the article entitled "Corporations other than Municipal."

Section 7 of the article being under consideration,

Mr. Ferris offered the following amendment:

Strike out the words "hereafter acquired," in the first line, and insert after the word "years," in the second line, the words "from the time of acquiring the same."

Mr. Burtch offered the following substitute for section 7:

"Corporations and joint stock associations may hold any real estate hereafter acquired for the period of ten years, and until the Legislature shall pass a general law authorizing the confiscation of such real estate, except the same be actually occupied by such corporation or joint stock association in the discharge of its franchises."

The amendment of Mr. Ferris was agreed to.

Mr. Williams offered the following amendment, to be added to the section:

"No real estate shall hereafter be withheld from market for a longer time than ten years for the use or benefit of any corporation."

Mr. Giddings moved to amend the amendment by striking out the word "ten," and inserting in place thereof the word "twenty."

After some debate the amendment to the amendment was withdrawn.

The amendment of Mr. Williams was adopted.

Mr. Birney moved to strike out the words "or joint stock associations," in the first line of the section;

Which motion prevailed.

The question recurring on the substitute offered by Mr. Burtch;

It was not adopted.

Mr. Ferris moved to add the following to the section:

"The State shall, on the first day of January, 1880, cease to be trustee of any lands held in trust for any corporation;"

Which was not agreed to.

Section 8 being under consideration,

Mr. Mussey moved that it be stricken out.

Mr. Leach moved to amend section 8 by striking out the words "officers or," in the second line.

Mr. Williams moved that the committee rise, report progress and ask leave to sit again;

Which motion did not prevail.

The question being taken on the amendment of Mr. Leach;

It was agreed to.

The question recurring on striking out the section,

The motion prevailed.

Mr. Norris offered the following to stand as a new section:

"Sec. — The stockholders of every corporation created by any law of, or doing business in this State, shall be individually liable for all wages, at any time due and unpaid by such corporation."

Mr. Pringle moved that the committee rise, report progress and ask leave to sit again;

The motion prevailed.

IN CONVENTION.

The committee, through the chairman, submitted the following report:

The committee of the whole have had under consideration Article—, entitled "Corporations other than Municipal;"

Have made some progress therein, but not having gone through therewith, have directed me to report that fact to the Convention, and ask leave to sit again.

R. McCLELLAND, *Chairman.*

Report accepted.

Leave was granted the committee to sit again.

Mr. Stockwell moved that the Convention take a recess until 3 o'clock.

On motion of Mr. Wright,

The Convention adjourned.

TWENTIETH DAY.

Lansing, Tuesday, June 11, 1867.

The Convention was called to order by the President at 9 o'clock A. M.

Prayer by Rev. Mr. Bradley.

Roll called: a quorum present.

Absent without leave, Mr. Burtenshaw.

PRESENTATION OF PETITIONS.

By Mr. Chapin: petition of E. L. Drake, Geo. M. McCurdy, A. J. Harrington, J. S. Eager, George Luce, Henry Devison and 82 other citizens of St. Louis, Gratiot county, asking that section 47, article 4, of the present Constitution be retained in the new. Referred to the committee on intoxicating liquors.

By Mr. Mussey: petition of Andrew D. Waddle, Geo. Greenaway, W. W. Henyon and 129 others, citizens of Livingston county, asking that section 47, article 4, of the present Constitution be retained in the new.

Referred to the committee on intoxicating liquors.

By Mr. Harris: petition of M. E. Crofoot, A. C. Baldwin, C. Draper and 8 others, members of the bar of Oakland county, praying that a provision may be inserted in the new Constitution giving the appointment of Judges of Supreme and Circuit Courts to the Governor and Senate, and also for an increase of salaries.

So much of the petition as refers to the judiciary department was referred to the committee on the judicial department.

So much as refers to salaries was referred to the committee on salaries.

By Mr. Daniells: petition of R. Strickland, counselor at law; James Kipp, county treasurer; H. S. Gibbons, Esq., and 22 others, voters of Clinton county, and Mrs. Mary E. Strickland, Mrs. R. Plumsted, Mrs. J. R. Sickles, Mrs. Jane Wilkinson, Mrs. Elizabeth Pattridge and 30 other women of Clinton county, praying that the new Constitution may secure the right of suffrage on equal terms, to both men and women.

Referred to the committee on elections.

By Mr. Woodhouse: petition of H. I. Northrop, H. A. Hawley and 18 others, legal voters of Vevay, praying for the retention of some prohibitory clause in the new Constitution;

By the same: petition of J. H. Babcock, R. Muscott and 7 others, legal voters of Ingham county, on the same subject;

By the same: petition of I. S. P. Johnson, D. C. Raymond and 10 others, legal voters, of Ingham county, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. Willard: memorial of L. D. Dibble, M. H. Joy, P. H. Emerson, L. H. Stewart, John Meacham, Levi Mosher, H. H. Brown, N. E. Sherman and Joseph G. Lodge, members of the bar in Battle Creek, Calhoun county, asking that a provision be engrafted in the Constitution of the State for the appointment of clerks of courts of records and prosecuting officers of such courts, by the judge or judges of such courts.

Referred to the committee on the judicial department.

By the same: memorial of L. D. Dibble, N. E. Sherman, Henry H. Brown, Myron H. Joy, P. H. Emerson, Joseph G. Lodge, L. H. Stewart, John Meacham and Levi Mosher, asking the engraftment upon the new Constitution of a provision to secure the appointment of circuit and supreme court judges by the Governor and Senate of the State, and with such an

increase of salary as shall secure the best legal talent for the judiciary.

So much of the petition as refers to the judiciary was referred to the committee on the judicial department.

So much as refers to salaries was referred to the committee on salaries.

By Mr. W. F. Goodwin: petition of Daniel Mann, James Kelly and Andrus R. Lord, and 46 other legal voters of Concord, Jackson county, asking that section 47, article 4, of the present Constitution be incorporated in the new;

By the same: petition of A. H. Tucker, A. H. Paddock, W. N. Keeler and 98 other voters, of Concord, Jackson county, asking the repeal of the clause in the present Constitution prohibiting the issuing of licenses for the sale of wines and liquors, and in lieu thereof a well secured system of license.

Referred to the committee on intoxicating liquors.

By Mr. Giddings: petition of S. Bristol, Wm. Bloss, D. Harris, Peter Johnson, Geo. S. Hodges, and 120 other citizens of Galesburg and vicinity, praying for the repeal of the clause in the Constitution prohibiting the issuing of licenses for the sale of wines and liquors, and asking in lieu thereof a safe and well secured system of license.

Referred to the committee on intoxicating liquors.

By Mr. Germain: petition of James Newman, M. B. Beers and 35 others, citizens of Portland, Ionia county, praying that section 47, article 4, of our present Constitution, be retained in the new;

By the same: petition of James Gregg, J. R. Abbott, P. A. Corey and 25 others, legal voters of Clinton and Ionia counties, on the same subject;

By the same: petition H. C. Wright, W. T. Triphagen and 46 others, legal voters of Ionia county, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. Howard: petition of Richard Readon, David Stanard and 77 others, for a well secured license law;

By the same: petition of J. C. Clement, O. H. Ewer and 74 others, on the same subject;

By the same: petition of Rev. E. E. Caster, Hon. Henry M. Henderson, Hon. C. H. Rockwood, Hon. F. H. Rankin, Prof. Egbert L. Bang, Col. W. H. H. Barnard, Rev. Wm. Blades and 480 other legal voters, of Genesee county, and none of them dealers in intoxicating liquors, praying for the retention of the no license clause in the State Constitution;

By the same: petition of Henry Davis, Wm. Pascal, James R. Noble and 16 other legal voters of Greenland, Ontonagon county, on the same subject.

Referred to the committee on intoxicating liquors.

By the same: petition of R. H. Halstead, Reuben Johnson, Porter Knapp, E. B. Shank, Nelson Trickey and 39 others, gentlemen, and Susan Johnson, Emma Pritchard and 8 other ladies, residents of Vienna, Genesee county, against female suffrage.

Referred to the committee on elections.

By Mr. Ferris: petition of E. A. Beckley and 51 others, of Cascade, Kent county, praying for a prohibitory clause;

By the same: petition of L. O. Peckham and 52 others, of Ottawa county, on the same subject;

By the same: petition of Spencer Wilder and 29 others, of Nawaygo county, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. McKernan: petition of J. W. Edwards, Frank R. Magworm, and 134 other citizens of Houghton, Houghton county, praying the repeal of section 47, article 4 of the present Constitution, and the enactment of a well regulated license for the sale of wines and other intoxicating liquors.

Referred to the committee on intoxicating liquors.

By Mr. Howard: petition of Peter D. Burns, H. Squires, Robt. Finch, and 70 other citizens of Ottawa county, for retention of section 47, article 4, of the present Constitution;

By the same: petition of George D. Sanford, J. R. Stephenson, and 20 other citizens of Ottawa county, on the same subject.

By the same: petition of Charles Bidwell, H. P. Wyman, and 52 other citizens of Ottawa county, on the same subject.

Referred to the committee on intoxicating liquors.

REPORTS OF SELECT COMMITTEES.

By the committee on the Upper Peninsula:

The committee to whom was referred the resolution of Mr. McKernan, of Houghton, asking "that a committee of five be appointed to inquire into and report to the Convention, whether any special constitutional provisions are required for the Upper Peninsula," beg leave respectfully to report, that they have had the same under consideration, and have instructed their chairman to report the clauses herein recited, and to ask that the same may be referred to the appropriate standing committees, with instructions to report; and also, that the reasons set forth by the committee in this report, in support of their recommendation, may be printed in full in the journal.

Resolved, That the committee on the legislative department be requested to report upon the expediency of providing in the new Constitution for increasing the number of Senatorial Districts to 33, so as to allow the Upper Peninsula two Senators in the Legislature.

Resolved, That the committee on miscellaneous provisions be requested to report upon the expediency of providing in the new Constitution for establishing a State Prison in the Upper Peninsula.

Resolved, That the committee on finance and taxation be requested to report upon the expediency of providing in the new Constitution for the remission, for the term of ten years, of the specific tax paid by mining companies in the Upper Peninsula, to the counties in which the mines of those companies are situated.

The reasons which have weighed with your committee in recommending such an increase in the number of Senators, as that the Upper Peninsula counties shall have two Senators in the State Legislature, instead of one, as is now the case, are briefly as follows:

The territory embraced in the Upper Peninsula is too vast, its interests too important and varied, its industrial enterprises are on a scale of magnitude too great, and its situation too remote from the centre of commercial and political intercourse, and from the seat of government, to render it safe or wise to intrust to one person the welfare of so large and important a portion of the territory and wealth of the State. The Upper Peninsula contains an area of about 19,000 square miles, being one-third of the entire area of the State. Its population at this time is not less than 35,000, or 29,000 more than it contained in 1850, when the present Constitution was adopted, and the apportionment made as it now stands. The framers of the Constitution, and the Legislature, in carrying out the provisions of that instrument, so far as they applied to the Upper Peninsula, seem to have realized in some degree, even at that early period of its history, the importance and value of its mineral and other resources, and wisely extended to it the benefits of a liberal policy, both as it regards representation in the State Legislature, and frequently by the enactment of such laws as were required by its peculiar and isolated position, to which policy its marked progress in the development of its resources is chiefly to be ascribed.

Your committee assume that the liberal sentiments towards the Upper Peninsula, which prevailed at the time the present Constitution was adopted, and which have been manifested upon several occasions since by successive Legislatures, animate also this Convention, in all that appertains to that portion of the State, as tending to promote the welfare of the same, and aid in the development of its unrivaled resources.

Your committee would not be understood, however, as intending to say that the Upper Peninsula has not suffered grievously from the operation of positive legislative enactments, as well as from the want of such legislative aid as was clearly within the power of the Legislature to grant. To this branch of the subject the committee refer more particularly when treating of other clauses recommended in this report hereafter.

It is a matter of great importance to the Upper Peninsula, as well as to the whole State, that that part of the State should be fully and adequately represented in both branches of the Legislature; and that the ordinary contingencies arising from death, sickness or other cause, preventing the attendance of members, should be provided for as far as may be, so that by their occurrence no constituency or interest shall be unrepresented in either branch of the Legislature.

In addition to the clauses referred to as operating to prevent the attendance of members, which apply to the whole State in common, and to all parts alike, there are others which seem to attach to the Upper Peninsula alone, and are not felt in other portions of the State. We allude to the distance from the seat of Government, and to the season of the year when the sessions of the Legislature are held. When it is considered that the distance is little short of 1,000 miles; that a considerable portion of that distance must be traveled on foot, if delay would be avoided; that by reason of the time of the year when the sessions commence, the journey from that part of the country is difficult and laborious, it will be seen that there are more of the elements of uncertainty affecting the presence of the Upper Peninsula delegation in our Legislature than delegations from other parts of the State.

The Upper Peninsula is allowed but one member in the State Senate, consequently, owing to the causes referred to, that important portion of our State has frequently been without representation in the Senate for considerable portions of the session; and upon three occasions entire sessions passed without representation from the Upper Peninsula.

The counties comprising the 32d Senatorial District are the following: Mackinaw, Chippewa, Marquette, Schoolcraft, Delta, Houghton, Keweenaw, Menominee and Ontonagan, and the islands and territories attached. In 1864, these counties contained a population of 25,167; at the present time it approximates 35,000. Taking the census of 1864 as the standard of authority, we find that of the thirty-two senatorial districts, six-

teen contain a larger, while there are fifteen which contain a smaller population than the 32d. Of these, three contain less than three-fourths, and two but a little more than one-half of the population of the 32d. Assuming therefore the population of the 32d district to be at this time 35,000, and that the district should be divided so as to form a new district to be called the 33d, comprising the counties of Houghton, Keweenaw and Ontonagon, it would leave to the 32d district, comprising the counties of Mackinaw, Chippewa, Schoolcraft, Delta, Menominee and Marquette, a population of 16,189; and would give to the new district, the 33d, a population of 18,811. The 32d would still contain a larger population than either the 27th or the 31st had in 1864; while the new district would, in addition to the 27th and 31st, have a greater population also than either the 15th or 18th.

There are other reasons why the 32d district should be divided. Your committee would call attention to the fact that the settlements in the Upper Peninsula are widely separated from each other and that in most cases great distances intervene between them; for instance—commencing at Mackinaw, the distance to Sault St. Maria, Chippewa county, is 100 miles; from Sault St. Marie to Marquette 180 miles; Marquette to Escanaba, Delta county, 75 miles; Escanaba to Menominee, 60 miles; Marquette to Houghton, 110 miles; and from Houghton to Ontonagon, 60 miles. The distances given are the least between any two of the places named.

From these facts, it is easy to perceive that a candidate to the Senate in the Upper Peninsula, must necessarily be entirely unknown to the great bulk of his constituents; in fact, heretofore, in most instances, he has not been known outside the county or town in which he happened to reside. The inference, therefore, is unavoidable, that the election of a Senator from the Upper Peninsula partakes very much of the nature of chance, and that it is not based upon knowledge or ability, and arises from the isolation and separation of the widely scattered communities. Your committee, deeply impressed with the importance to the

Upper Peninsula of the measure they recommend, feel all the more justified in doing so, from the fact that in no sense or manner is the present equilibrium affected or interfered with, as will be seen by a moment's reflection. The present number of Senators is 32; upon all occasions requiring a majority vote, 17 is necessary; while no more would be required if the membership should be increased to 33. So, likewise, in cases where a two-thirds vote is required; no greater number of affirmative votes would be necessary in one case than the other—twenty-two would be the required two-thirds. The division herein recommended by your committee, of the 32d district, is one which is natural, and in all respects practicable. The counties of Houghton, Keweenaw and Ontonagon comprise the copper districts of the Upper Peninsula, while Marquette and some of the other counties named, include the iron deposits. The plan of division, however, they have not embodied in the clause they recommended to be inserted in the new Constitution, as that is a duty which will more properly devolve upon the Legislature.

STATE PRISON.

Upon the subject of establishing a State prison in the Upper Peninsula, your committee are satisfied from an examination of the facts, that such an institution is greatly needed in that part of the State. The remoteness of its situation necessarily involves a heavy expense to that section, in conveying prisoners to the State prison, at Jackson.

We find that, during the season of navigation, the expense of conveying prisoners to Jackson is not less than one hundred and fifty dollars each, and in the winter season the expense is nearly doubled. Besides, in the winter season, the only route from the Upper Peninsula—except from Sault Ste Marie and Mackinaw—passes through portions of the States of Wisconsin, Illinois and Indiana, which fact adds much to the expense of the journey, and increases the chances of escape.

It is probable that a much larger number of persons have been confined in the prison at Jackson from the Upper Penin-

sula than from other communities of the same population in other parts of the State.

The great expense entailed upon the counties of that portion of the State under this head, is, of itself, a sufficient reason for establishing a prison there, and by so doing relieve them from an enormous burden.

The fact, too, that the prison at Jackson is taxed to its full capacity, is another reason why the recommendation of your committee should be adopted. It is believed, too, that convict labor in the Upper Peninsula could be advantageously employed in and about the mines, and that the expense to the State would be small after the necessary buildings are erected.

SPECIFIC TAXES.

Your committee have endeavored to give to this subject the closest attention, in so far as it relates to the Upper Peninsula, and especially as it applies to and affects the companies engaged in copper mining. The general mining law of 1853, as amended in 1863, requires the payment to the State of one dollar per ton on all copper obtained, sent out of the State to be smelted, and seventy-five cents per ton on all obtained, smelted in the State. The production of the Lake Superior mines for the year 1866 was, in round numbers, 7,000 tons of ingot copper. The specific tax upon that production amounted to about six thousand dollars, which is about the average tax of the past five years.

In examining the history of copper mining in the Upper Peninsula, your committee have been deeply impressed with the magnitude of the interests there involved, the capital invested, and the difficulties with which it has had to contend. Remote from the older and settled portions of our country, everything required for the sustenance of its population and for the means of prosecuting its industrial enterprises, have had to be transported nearly a thousand miles.

Bounded on one side by the great Lake, and on the other by a wilderness of over 200 miles in extent, it is for six months of the year, completely shut out, not only entirely from commer-

cial intercourse with the settled portions of this and neighboring States, but even (until recently) from ordinary personal intercourse, which in no other part of our country is so completely barred by natural obstacles. Rough and rugged, its surface broken by rocky mountain ranges, or cut up by deep ravines, with swamps and morasses lying between, it presented almost insurmountable obstacles to the energy and enterprise of its people. It is therefore a matter of just pride to our State, that in the face of difficulties so formidable and obstacles so great, that within a period of less than twenty years such great results have been accomplished, as are exhibited in its annual product of copper and iron, its thriving towns, and all the accessories that constitute a growing community. These results have been obtained by the outlay of large sums of money invested by Eastern capitalists in mining enterprises, which have been more or less profitable, according as the veins worked were productive or otherwise. Immense sums have been expended without yielding adequate returns; mining properties have been worked at a great outlay of capital, and have been abandoned for the time being, not because of poverty in the yield, but in many instances from the lack of roads by which they could be made accessible from the points of shipment. In fact, one of the great obstacles to the more rapid and profitable development of many localities of the copper region of Lake Superior, is the want of roads; and it is to aid the people of that region in their efforts to open up such localities to successful enterprise, by building roads and bridges, that your committee earnestly recommend the refunding to the counties in which the mines are situated, the specific tax which the law requires the companies to pay on their products.

Apart from the considerations referred to as justifying such a policy on the part of the State, there are others which they deem of great weight, as going to show that the Upper Peninsula has, by the operation of legislative enactments been deprived of sources of income, which, had they remained intact, would have increased the means whereby roads and other

needed public improvements might have been provided. For instance: in 1853, the Legislature passed an act exempting the lands of the St. Mary's Canal Company—750,000 acres—from taxation for five years.

About one-half of these lands were in the Upper Peninsula, and the greater part of them were the most valuable mineral lands in that region. By that act, thousands of dollars yearly were withheld from the counties in which they were situated. In 1861, the Legislature authorized the refunding of the amount of that tax to the several counties out of surplus earnings of the Saut Canal, and as over 350,000 acres were in the Lower Peninsula, the effect of the law will be that the tax to be refunded to those counties in the Lower Peninsula, will be at the expense of the Upper, inasmuch as the earnings of the canal are derived from business furnished exclusively by that portion of the State, and upon which the tolls are charged.

Again, the Legislature passed an act in 1865, exempting 400,000 acres of land, granted by Congress to the Portage Lake Ship Canal Company, from taxation for four years. And in 1857, the lands of the Marquette and Ontonogan Railroad Company, were exempted for seven years; and as if that were not enough, the act was amended in 1865, which extended the exemption ten years longer upon the lands they were entitled to receive for every twenty miles of road built, after each twenty miles should be put in running order. These lands all lie in the Upper Peninsula, and most of them in the counties comprising the copper district. These exemptions are largely at the expense of the copper interest and until they expire by lapse of time, these lands bear no part of the burdens of taxation.

Another serious consideration affecting the revenue of the Upper Peninsula counties exists in the fact that large quantities of land entered originally by non-resident speculators in seasons of excitement, have been sold for delinquent taxes and bid in by the State. Such lands then become not taxable; and the burdens of taxation are borne by less than half of the

landed property, the exempt and delinquent tax lands being more than that which is taxable.

Your committee find also that the valuation of property returned from the Upper Peninsula, in 1866, for the purpose of equalization by the State Board of Equalization, as required by law for the apportionment of the State tax, was not reduced as it ought to have been, by the deduction from it of the valuation of such property as by law is required to pay a *specific* tax. Consequently, the mining counties are now paying the yearly tax upon *all* the property in said counties, including that which pays a specific tax also:—in other words, they are paying about twice the amount of State tax that they justly ought to pay.

We find also, that no property of mining companies in the Upper Peninsula has ever been exempt from tax by legislative enactment, and that in this respect it stands out in marked contrast to another class of corporations in the Lower Peninsula. We allude to corporations for the manufacture of salt. The property of these corporations was not only exempted from all taxation for five years after their organization, but the product of their manufacture, instead of being taxed as the product of the mines of the Upper Peninsula is, is stimulated by a bounty of ten cents per bushel, paid by the State. Your committee are not aware, if to this day, the act conferring these privileges has been repealed.

While the mining counties of the Upper Peninsula have been deprived of much of their resources of income, we find also, that they have been obliged, for the last ten years, in order to secure a competent person to exercise the office of judge, to tax themselves the amount of \$1,200 per year, so as to make up with the small compensation of \$1,000 per year, allowed by the Constitution, a fair salary for that officer. For this object, \$12,000 have been raised by those counties, to pay for a service which the salary allowed by the State, was insufficient to secure for them. Your committee do not overlook the fact, that some of the causes enumerated as operating to the disadvantage of the Upper Peninsula, such as the large amount of delin-

quent tax lands, are incident in some degree more or less, to all the newly organized counties in the State, and that such causes of complaint are not peculiar to that portion of the State. But your committee cannot ignore the fact, that of the large amount of internal improvement lands—over 500,000 acres—appropriated for roads and bridges in counties of the Lower Peninsula, not the value of one acre has ever been bestowed upon the Upper Peninsula; that of the large sum of nearly \$400,000 expended by the General Government for roads in the Lower Peninsula, not one dollar was used for the benefit of the Upper Peninsula. Nor can the fair inference from these facts be set aside, by alleging that at the time these expenditures were being made for the benefit of the Lower Peninsula, the Upper Peninsula was unsettled, or, that it had not yet become a part of the State of Michigan. Admitting that such was the case, it not only points out more clearly what is the duty of this great and growing State towards that isolated portion of its magnificent domain.

Let her not forget that in the days of her infancy and feebleness, she received liberal aid from the general government; that the Upper Peninsula received no portion of that aid; and that to the help she then received she owes a large share of her present prosperity. Let her not turn a deaf ear to her dependency in the far North; but, remembering the day of small things in her own case, and the munificence which aided her, let her, with a magnanimity worthy of her greatness, make provision for what is now asked.

JAMES BURTENSHAW, *Chairman.*

The report was accepted and the committee discharged.

The report was laid on the table and ordered printed in the journal.

By the committee on the Upper Peninsula:

The committee appointed to report whether any constitutional provisions are required for the Upper Peninsula, beg to report that they have had the same under consideration, and have instructed their chairman to report the following resolution:

Resolved, That the committee on the legislative department be requested to report upon the expediency of providing, in the new Constitution, for increasing the number of Senatorial Districts to 33, so as to allow the Upper Peninsula two Senators in the Legislature.

JAMES BURTENSHAW, *Chairman*.

Report accepted and committee discharged.

The resolution was referred to the committee on the legislative department.

By the committee on the Upper Peninsula:

The committee appointed to report whether any special constitutional provisions are required for the Upper Peninsula, beg to report that they have had the same under consideration, and have instructed their chairman to report the following resolution:

Resolved, That the committee on miscellaneous provisions be requested to report upon the expediency of providing, in the new Constitution, for establishing a State prison in the Upper Peninsula.

JAMES BURTENSHAW, *Chairman*.

Report accepted and committee discharged:

The resolution was referred to the committee on miscellaneous provisions.

By the committee on the Upper Peninsula:

The committee appointed to report whether any special Constitutional provisions are required for the Upper Peninsula, beg to report that they have had the same under consideration, and have instructed their chairman to report the following resolution:

Resolved, That the committee on finance and taxation be requested to report upon the expediency of providing in the new Constitution for the remission, for the term of ten years, of the specific tax paid by mining companies in the Upper Peninsula, to the counties in which the mines of those companies are situated.

JAMES BURTENSHAW, *Chairman*.

Report accepted and committee discharged.

The resolution was referred to the committee on finance and taxation.

COMMUNICATIONS FROM STATE OFFICERS.

The President announced the following:

OFFICE OF THE MICHIGAN STATE BOARD OF AGRICULTURE, }
Lansing, June 8, 1867. }

Hon. CHARLES M. CROSWELL, *President of the Constitutional Convention:*

I have received from your Secretary a resolution passed by the Convention, of which the following is a copy:

“Resolved, That the Secretary of the State Board of Agriculture be requested to report to the Convention, the number of acres of land donated by the General Government to this State for the benefit of Agricultural Colleges; the total amount of appropriations in lands and money made by the State in aid of the Agricultural College, together with a statement of the total cost of said College, and maintaining the same from its organization; also, the number of students at present in the Institution, and the number that have been graduated since its organization.”

In answer to the forgoing request, the following statement is respectfully submitted:

The number of acres of land donated to the State by the general government for the benefit of Agricultural Colleges, is 240,000.

Lands appropriated to the Agricultural College by the State—

1. The grant from the general government, 240,000 acres.
2. Salt Spring Lands, 22 sections, 14,080 “
3. Swamp Lands in Ingham and Clinton counties, 6,207 “

Total, 260,287 “

Total appropriations to the College in money, inclusive of \$40,000 for the years 1867 and 1868, \$182,000.

Total cost of the Institution up to December 1, 1866, being appropriations to that time, and \$56,320 received from State treasury for 22 sections of Salt Spring Lands, \$198,320.

The number of graduates from the institution is 18.

The number of students for the present term is 92.

It may not be improper to add that the number of students now in the institution is as great as can be accommodated, with the present dormitory arrangements, and that many applications for admission were on this account rejected.

SANFORD HOWARD,

Secretary of the Michigan State Board of Agriculture.

The communication was laid on the table, and ordered spread at large upon the journal.

MOTIONS AND RESOLUTIONS.

Mr. Conger moved that the committee of the whole be discharged from the further consideration of the article on "Corporations other than Municipal," and that, for that purpose, Rule 23 be suspended;

Which motion prevailed.

Mr. Conger moved that the article be recommitted to the "committee on corporations other than municipal," with instructions as follows:

First. That the committee amend section 1, so as to provide that corporations for the purposes of banking, mining, telegraphing, manufacturing, insurance, transacting business as common carriers, or for religious societies, shall be formed only under general laws; that no special charter shall be granted or enlarged without the assent of two-thirds of the members elect to each House. And that all acts passed in pursuance of this section may be amended, altered or repealed;

Second. That section 6, be so amended as to provide that all acts of incorporation granted prior to January 1st, 1851, shall not be altered or amended without the assent of two-thirds of the members elect to each House, and that no such act shall be renewed or extended;

Third. That a new section be added to said article, providing for the individual liability of all stockholders in any corporation for all labor done in behalf of such corporation during the time of their being such stockholders, equally and ratably to the

extent of their respective shares in the stock of such corporation;

Fourth. That all other sections be reported as they were severally adopted or amended in committee of the whole;

Fifth. That said committee report the article amended as required by these instructions back to this Convention.

On motion of Mr. Conger,

The motion to recommit was laid on the table.

Mr. Burtch offered the following resolution:

Resolved, That the crazy member from Eaton, (Mr. Burtch,) be granted leave of absence in consideration of the services rendered to the State and country in obtaining the moral and legal sense of the Convention.

Mr. Leach offered the following substitute for the resolution, which was adopted:

Resolved, That leave of absence for an indefinite period, is hereby granted to Hon. Milton P. Burtch.

The resolution as amended by the substitute was then adopted, there being no votes in the negative.

Mr. Farmer offered the following resolution, which was adopted:

Resolved, That the State Printer be instructed to omit in the printing of the debates and proceedings the memorial of James T. Dwyer, as printed in the journal of the 10th of June.

Mr. Norris offered the following resolution, which was adopted:

Resolved, That the Constitution finally adopted by this Convention be enrolled upon parchment, and that the Secretary be instructed to see this properly done.

Mr. Norris offered the following resolution:

Resolved, That the committees on intoxicating liquors and elections be requested to accompany their several reports with the number of petitions, arranged by counties, for and against prohibition, female suffrage, and colored suffrage, respectively.

On motion of Mr. Pringle,

The resolution was laid on the table.

Mr. Holmes offered the following resolution:

Resolved, That the committee on education be instructed to inquire into the expediency of requiring the Regents of the University to establish a professorship of homeopathy in the department of medicine in the University.

The resolution was referred to the committee on education.

Mr. Norris moved that the committee on "Corporations other than Municipal" be instructed to report the following substitute for sections 1 and 6, of the article thereon, to stand as section 1:

"Railroad, Banking and Insurance corporations shall be formed only under general laws. No special charter shall be granted, nor general incorporating act passed, except by a two-thirds vote of all the members elected to each House.

The Legislature shall pass no law altering or amending any general or special act of incorporation, nor shall any such act be extended or renewed, without the assent of two-thirds of the members elected to each House."

On motion of Mr. Norris,

The motion to instruct was laid on the table.

Mr. Ferris moved that the committee be further instructed to incorporate the following, in the article referred to them:

"No special charter shall be granted, renewed or extended, unless notice of the intended application therefor shall have been filed in the office of the Secretary of State, six months previous to the first day of the session, and published in such manner as shall be prescribed by law."

On motion of Mr. Ferris,

The motion to instruct was laid on the table.

Mr. Woodhouse offered the following resolution:

Resolved, That from and after to-day this Convention do hold afternoon sessions until otherwise ordered.

On motion of Mr. D. Goodwin,

The resolution was laid on the table.

Mr. Birney offered the following resolution:

Resolved, That the committee on Cities and Villages be instructed to inquire into the expediency of adopting the following provisions:

Sec. — The Legislature shall provide for the organization of cities and incorporated villages by general laws, and restrict their power of taxation, assessment, borrowing money, contracting debts and loaning their credit so as to prevent the abuse of such power.

Referred to the committee on cities and villages.

On motion of Mr. Pringle,

The Convention went into committee of the whole on the general order;

Mr. P. D. Warner in the Chair.

IN COMMITTEE OF THE WHOLE.

Article —, entitled "Finance and Taxation," being under consideration,

Mr. Withey moved that Section 3 be stricken out.

Mr. Willard moved to strike out to and including "thereof," in the third line, and insert in lieu thereof the following:

"Any sinking fund heretofore provided by law for the payment and extinguishment of any debt contracted by the State, shall be continued until the extinguishment thereof;"

Which motion did not prevail.

Mr. Giddings moved to amend the section by striking out the first and second lines, all of the third line to and including the word "and."

Mr. Coolidge offered the following substitute for the entire section:

"The Legislature may provide by law a sinking fund to be applied solely to the payment and extinguishment of the principal of the State debt, other than the amount due to educational funds; and every law hereafter enacted by the Legislature creating a debt or authorizing a loan, shall provide for the payment of the same."

The amendment of Mr. Giddings was not agreed to, and

The substitute offered by Mr. Coolidge, was then adopted.

The question recurring on striking out the section as amended by the substitute,

The motion did not prevail.

Sec. 8 of the article being under consideration,

Mr. Van Riper offered the following substitute therefor:

“The credit of the State, or of any county, township or other subdivision thereof, shall not be granted to, or tax levied in aid of any person, association or corporation for works of internal improvement; nor shall the State or either of said subdivisions, subscribe to, or be interested in the stock of any person, association or corporation.”

Mr. Daniells moved to amend the substitute by adding to it the following:

“Nor authorize the levying of any tax for the purpose of constructing or repairing any bridge or public highway.”

Mr. Willard offered the following substitute for the section:

“The credit of the State or of any county therein, shall not be granted to or in aid of any person, association or corporation. Nor shall the indebtedness of any municipal corporation for any such purpose, be allowed at any time to exceed ten per cent. of the assessed valuation thereof.”

Pending which,

Mr. Morton moved that the committee rise, report progress and ask leave to sit again;

Which motion prevailed.

IN CONVENTION.

The committee, through the chairman, submitted the following report:

The committee of the whole have had under consideration Article —, entitled “Finance and Taxation;”

Have made some progress therein, but not having gone through therewith, have directed me to report that fact to the Convention, and ask leave to sit again.

P. DEAN WARNER, *Chairman*.

Report accepted.

Leave was granted the committee to sit again.

Mr. Bradley moved that the Convention adjourn.

Mr. Blackman demanded the yeas and nays.

The demand being supported, the motion did not prevail, the following being the vote thereon:

YEAS.

Mr. Conger,
Divine,
Ferris,

Mr. Hixson,
Holmes,
Huston,

Mr. Lawrence,
McKernan,

8

NAYS.

Mr. Aldrich,
Alexander,
Andrus,
Barber,
Bills,
Birney,
Blackman,
Bradley,
Brown,
Case,
Chapin,
Chapman,
Coolidge,
Corbin,
Crocker,
Daniells,
Duncan,
Duncombe,
Elliott,
Estee,
Farmer,
Germain,
Giddings,
W. F. Goodwin,
D. Goodwin,
Harris,

Mr. Hazen,
Henderson,
Holt,
Howard,
Hull,
Kenney,
Leach,
Longyear,
Lothrop,
Lovell,
Luce,
McClelland,
McConnell,
Miles,
Miller,
Morton,
Murray,
Mussey,
Musgrave,
Ninde,
Norris,
Parsons,
Pratt,
Pringle,
Rafter,

Mr. Richmond,
Root,
Sawyer,
Shearer,
Sheldon,
T. G. Smith,
W. A. Smith,
Thompson,
Turner,
Tyler,
Van Riper,
Van Valkenburgh,
Walker,
P. D. Warner,
W. E. Warner,
M. C. Watkins,
F. C. Watkins,
White,
Willard,
Winans,
Winsor,
Withey,
Williams,
Woodhouse,
Yeomans,

76

Mr. Blackman moved that the Convention take a recess until 2½ o'clock.

Mr. Alexander moved to amend the motion by substituting "3 o'clock," as the hour;

Which was agreed to.

The motion as amended then prevailed.

AFTERNOON SESSION.

3 o'clock P. M.

The Convention was called to order by the President.

Roll called: a quorum present.

On motion of Luce,

The Convention went into committee of the whole, and resumed the consideration of Article —, entitled "Finance and Taxation,"

Mr. D. P. Warner in chair.

IN COMMITTEE OF THE WHOLE

The committee resumed the consideration of the article entitled "Finance and Taxation."

The question being on the amendment of Mr. Daniells to the substitute of Mr. Van Riper for section 8,

It was withdrawn.

After considerable debate,

Mr. F. C. Watkins moved that the committee rise, report progress, and ask leave to sit again.

The motion prevailed.

IN CONVENTION.

The committee, through the chairman, submitted the following report:

The committee of the whole have had under consideration Article —, entitled "Finance and Taxation;" have made some progress therein, but not having gone through therewith, have directed me to report that fact to the Convention, and ask leave to sit again.

P. DEAN WARNER, *Chairman*.

The report was accepted, and leave granted the committee to sit again.

On motion of Mr. T. G. Smith,

The Convention adjourned.

TWENTY-FIRST DAY.

Lansing, Wednesday, June 12, 1867.

The Convention was called to order by the President, at 9 o'clock A. M.

Prayer by Rev. Mr. Vandriss.

Roll called: a quorum present.

Absent without leave, Messrs. Burtenshaw and Stockwell.

Mr. Sawyer asked and obtained leave of absence for Mr. Stockwell, until to-morrow.

Mr. McKernan asked and obtained leave of absence for Mr. Burtenshaw, for an indefinite time, on account of sickness.

Mr. Lothrop asked and obtained unanimous consent to present the following communication:

MICHIGAN CENTRAL RAILROAD CO., }
GENERAL SUPERINTENDENT'S OFFICE, }
Detroit, June 10, 1867. }

G. V. N. LOTHROP, Esq.:

MY DEAR SIR—Will you please present the compliments of the Michigan Central Railroad Company to the members of the Constitutional Convention, and say to them, that it will afford us much pleasure to place special cars at their disposal to carry them to and from this city free, thinking that they may desire to participate in the Soldiers' Monument ceremonies of the 4th of July.

Yours, &c.,

R. N. RICE,

General Sup't.

On motion of Mr. VanValkenburgh,

The invitation was accepted, and the thanks of this Convention were tendered unanimously to Superintendent Rice for the courtesy extended to it.

PRESENTATION OF PETITIONS.

By Mr. Pringle: memorial of D. Johnson, Austin Blair, F. Livermore, and 18 other members of the bar of Jackson county, asking that a provision be embraced in the Constitution for the appointment of judges of the supreme and circuit court by the Governor and Senate, and suggesting the propriety of increas-

ing salaries, or giving the Legislature such power as shall secure the best legal talent of the State.

So much as relates to the judiciary was referred to the committee on the judicial department.

So much as relates to salaries was referred to the committee on salaries.

By Mr. Coolidge: memorial of Hon. F. Muzzy, Hon. C. R. Brown, Hon. J. N. Chipman and 9 others, members of the Berrien county bar, suggesting the propriety of inserting a provision in the new Constitution for the appointment of the State judiciary by the Governor and Senate, and also the propriety of increasing the salary and term of office of the judiciary.

So much as refers to the judiciary was referred to the committee on the judicial department.

So much as refers to salaries was referred to the committee on salaries.

By Mr. Root: petition of Ezery B. Strong, L. J. Smith, J. P. Hathaway, D. C. Cram, of Lenawee county, and 147 others, that the principal at least, of section 47, article 4, in the present Constitution, be retained in the new.

Referred to the committee on intoxicating liquors.

By Mr. Shearer: petition of Joshua Haire and 80 others, of Dewitt, Clinton county, for a license law.

Referred to the committee on intoxicating liquors.

By Mr. Yeomans: petition of Rev. Robert Howe, E. B. Post, D. C. Spaulding, R. D. Howe, Seneca H. King, Edward Howe, and 35 other residents of Orleans, Ionia county, praying that section 47, article 4, of the present Constitution, be retained in the new one.

Referred to the committee on intoxicating liquors.

By Mr. Kenney: memorial of William Hemingway, S. W. Walton, S. B. Gaskill, W. W. Stickney, John R. White, Harrison Green, C. P. Thomas, J. M. Wattles, members of the bar of Lapeer, suggesting to this Convention the propriety of engrafting upon the new Constitution such a provision as will secure

the appointment by the Governor and Senate of all the members of the State judiciary.

Referred to the committee on the judicial department.

By Mr. McConnell: petition of Rev. W. H. McGiffert, Samuel Ingham, Arza B. Donelson, Wm. Bateman and 22 other voters, and Mrs. J. P. Holly, Mrs. J. Bell, Mrs. Mary Waldron, Miss Flora Barbour, Miss Charlotte Mercer, Miss Rebecca French, and 69 other mothers and daughters of Pontiac, Oakland county, praying that for the welfare of the people of our beloved State the prohibitory clause may be engrafted in the new Constitution.

Referred to the committee on intoxicating liquors.

By Mr. Conger: petition of Messrs. Andrus, McDonald and Corey, members of the bar of Almont, recommending the propriety of engrafting in the new Constitution the principle of appointment of the judges of the courts by the State.

Referred to the committee on the judicial department.

By Mr. Haire: petition of Chas. Pitman, Geo. Luther and 74 others, citizens of Ottawa county, asking that section 47, article 4, of the present Constitution, be incorporated in the new.

Referred to the committee on intoxicating liquors.

By Mr. Lamb: petition of John M. Wattles, Wm. A. Jackson, S. M. Vincent, and 65 others, citizens of Lapeer, asking a repeal of section 47, article 4, of the present Constitution, and the adoption of a license system in the new one.

Referred to the committee on intoxicating liquors.

By Mr. Van Valkenburgh: petition of James A. Veale, Robert Garner, Harrison Voorhees, Robert Caff and 83 others, citizens of White Lake, Oakland county, in favor of prohibiting the sale of intoxicating liquors.

Referred to the committee on intoxicating liquors.

REPORTS OF STANDING COMMITTEES.

By the committee on exemptions:

The committee on exemptions, to whom was referred Article 16, of the Constitution,

Respectfully report that they have had the same under consideration, and have directed me to report an article entitled "Exemptions," recommending that the same do pass, and ask to be discharged from the further consideration of the subject.

HENRY H. COOLIDGE, *Chairman*.

Report accepted and committee discharged.

The article was read a first and second time by its title, ordered printed, placed on the general order, and referred to the committee of the whole.

Mr. Lovell asked and obtained leave, in behalf of Mr. Rafter and himself, to submit, at some future time, a minority report of the committee on exemptions.

Mr. Daniells offered the following resolution, which was adopted:

Resolved, That hereafter, when the Convention take a recess, it be until three o'clock in the afternoon, until otherwise ordered.

Mr. Conger moved to take from the table the motion to recommit the article entitled "Corporations other than Municipal," with the instructions offered by him yesterday;

Which motion prevailed.

Mr. T. G. Smith moved to amend the first paragraph of the instructions by adding at the end, the following:

"By a vote of two-thirds of the members elected to each House of the Legislature."

Mr. Norris moved that the committee be further instructed to report the following substitute for sections 1 and 6, to stand as section 1:

"Railroad, banking, mining, telegraphic, manufacturing, religious and insurance corporations shall be formed only under general laws. No special charter shall be granted, nor general incorporating act passed, except by a two-thirds vote of all the members elected to each House.

"The Legislature shall pass no law altering or amending any general or special act of incorporation, nor shall any such act

be extended or renewed, without the assent of two-thirds of the members elected to each House."

Third. That a new section be added to said article, providing for the individual liability of all stockholders in any corporation for all labor done in behalf of such corporation during the time of their being such stockholders, equally and ratably to the extent of their respective shares in the stock of such corporation;

Fourth. That all other sections be reported as they were severally adopted or amended in committee of the whole;

Fifth. That said committee report the article amended as required by these instructions back to this Convention.

Mr. McClelland offered the following amendment to the substitute of Mr. Norris:

That the committee amend section 1 so as to provide that corporations for the purpose of banking, insurance, mining, telegraphing, manufacturing, transacting business as common carriers, or for religious societies, shall be formed only under general laws; that no special charter shall be granted, amended or repealed, without the assent of two-thirds of the members elect to each House.

Mr. Turner demanded the previous question.

The demand was sustained and the main question ordered.

The question being upon the amendment of Mr. T. G. Smith,

Mr. Lovell demanded the yeas and nays.

The demand being supported, the amendment was not adopted, the following being the vote thereon:

YEAS.

Mr. Bills,
Birney,
Brown,
Chapman,
Coolidge,
Corbin,
Desnoyers,
Giddings,
D. Goodwin,
Haire,

Mr. Howard,
Huston,
Leach,
Longyear,
Lothrop,
Luce,
McClelland,
McConnell,
Miles,
Miller,

Mr. Richmond,
Shearer,
T. G. Smith,
W. A. Smith,
Turner,
Van Valkenburg,
Walker,
W. E. Warner,
F. C. Watkins,
Winans,

Hixson,
Holt,

Ninde,
Norris,

Withey,
Woodhouse, 36

NAYS.

Mr. Aldrich,
Alexander,
Andrus,
Barber,
Blackman,
Case,
Chapin,
Conger,
Crocker,
Daniells,
Divine,
Duncan,
Duncombe,
Elliott,
Estee,
Farmer,
Ferris,

Mr. Germain,
W. F. Goodwin,
Harris,
Henderson,
Holmes,
Hull,
Lamb,
Lawrence,
Lovell,
McKernan,
Murray,
Mussey,
Musgrave,
Parsons,
Pratt,
Pringle,

Mr. Rafter,
Root,
Sawyer,
Sheldon,
Thompson,
Tyler,
Van Riper,
P. D. Warner,
M. C. Watkins,
White,
Willard,
Winsor,
Williams,
Wright,
Yeomans,
President,

49

The question then being on the amendment of Mr. McClelland to the substitute of Mr. Norris for the original proposition, Mr. Lovell demanded the yeas and nays.

The demand being supported, the amendment was not adopted, the following being the vote thereon:

YEAS.

Mr. Bills,
Birney,
Blackman,
Brown,
Chapman,
Coolidge,
Corbin,
Crocker,
Desnoyers,
Germain,
Giddings,
D. Goodwin,
Haire,

Mr. Holt,
Howard,
Huston,
Leach,
Longyear,
Lothrop,
Luce,
McClelland,
McConnell,
McKernan,
Miles,
Miller,
Ninde,

Mr. Norris,
Richmond,
T. G. Smith,
W. A. Smith,
Turner,
Van Valkenburg,
Walker,
F. C. Watkins,
Winans,
Withey,
Woodhouse,
Yeomans,
President, 39

NAYS.

Mr. Aldrich,
Alexander,
Andrus,

Mr. Harris,
Hazen,
Henderson,

Mr. Root,
Sawyer,
Shearer,

| | | |
|----------------|-----------|----------------|
| Barber, | Hixson, | Sheldon, |
| Case, | Holmes, | Thompson, |
| Chapin, | Hull, | Tyler, |
| Conger, | Kenney, | Van Riper, |
| Daniells, | Lamb, | P. D. Warner, |
| Divine, | Lawrence, | W. E. Warner, |
| Duncan, | Lovell, | M. C. Watkins, |
| Duncombe, | Murray, | White, |
| Elliott, | Mussey, | Willard, |
| Estee, | Musgrave, | Winsor, |
| Farmer, | Parsons, | Williams, |
| Ferris, | Pratt, | Wright, |
| W. F. Goodwin, | Pringle, | 47 |

The question then being on the substitute of Mr. Norris,

Mr. Lovell demanded the yeas and nays.

The demand being supported, the substitute was not adopted, the following being the vote thereon:

YEAS.

| | | |
|-------------|------------|-----------------|
| Mr. Birney, | Mr. Holt, | Mr. Richmond, |
| Brown, | Howard, | Shearer, |
| Chapman, | Huston, | T. G. Smith, |
| Coolidge, | Leach, | W. A. Smith, |
| Corbin, | Longyear, | Turner, |
| Crocker, | Luce, | Van Valkenburg, |
| Desnoyers, | McConnell, | Walker, |
| Elliott, | Miles, | W. E. Warner, |
| D. Goodwin, | Miller, | Winans, |
| Haire, | Ninde, | Withey, |
| Hixson, | Norris, | Woodhouse, 33 |

NAYS.

| | | |
|--------------|--------------------|----------------|
| Mr. Aldrich, | Mr. W. F. Goodwin, | Mr. Rafter, |
| Alexander, | Harris, | Root, |
| Andrus, | Hazen, | Sawyer, |
| Barber, | Henderson, | Sheldon, |
| Bills, | Holmes, | Thompson, |
| Blackman, | Hull, | Tyler, |
| Case, | Kenney, | Van Riper, |
| Chapin, | Lamb, | P. D. Warner, |
| Conger, | Lawrence, | M. C. Watkins, |
| Daniells, | Lothrop, | F. C. Watkins, |
| Divine, | Lovell, | White, |
| Duncan, | McKernan, | Willard, |
| Duncombe, | Murray, | Winsor, |
| Estee, | Mussey, | Williams, |

| | | | |
|-----------|-----------|------------|----|
| Farmer, | Musgrave, | Wright, | |
| Ferris, | Parsons, | Yeomans, | |
| Germain, | Pratt, | President, | |
| Giddings, | Pringle, | | 53 |

The question recurring on the motion of Mr. Conger to recommit the Article with instructions,

Mr. Pratt demanded the yeas and nays.

The demand being supported, the motion prevailed, the following being the vote thereon:

YEAS.

| | | | |
|--------------|-------------|----------------|---|
| Mr. Aldrich, | Mr. Harris, | Mr. Sawyer. | |
| Alexander, | Hazen, | Sheldon, | |
| Andrus, | Henderson, | Thompson, | |
| Barber, | Holmes, | Tyler, | |
| Blackman, | Hull, | Van Riper, | |
| Chapin, | Kennedy, | Van Valkenburg | |
| Conger, | Lawrence, | P. D. Warner, | |
| Daniells, | Lovell, | M. C. Watkins, | |
| Divine, | McKernan, | White, | |
| Duncan, | Murray, | Willard, | |
| Duncombe, | Mussey, | Winsor, | |
| Elliott, | Musgrave, | Williams, | |
| Estee, | Parsons, | Wright, | |
| Farmer, | Pratt, | Yeomans, | |
| Ferris, | Pringle, | President, | |
| Germain, | Root, | | 4 |

NAYS.

| | | | |
|----------------|-------------|----------------|---|
| Mr. Bills, | Mr. Holt, | Mr. Norris, | |
| Birney, | Howard, | Rafter, | |
| Brown, | Huston, | Richmond, | |
| Case, | Lamb, | Shearer, | |
| Chapman, | Leach, | T. G. Smith, | |
| Coolidge, | Longyear, | W. A. Smith, | |
| Corbin, | Lothrop, | Turner, | |
| Crocker, | Luce, | Walker, | |
| Desnoyers, | McClelland, | W. E. Warner, | |
| Giddings, | McConnell, | F. C. Watkins, | |
| W. F. Goodwin, | Miles, | Winans, | |
| D. Goodwin, | Miller, | Withey, | |
| Haire, | Ninde, | Woodhouse, | |
| Hixson, | | | 4 |

On motion of Mr. Farmer,

The Convention took a recess until 3 o'clock.

AFTERNOON SESSION.

3 o'clock P. M.

The Convention was called to order by the President.

Roll called: a quorum present.

Mr. Morton offered the following resolution, which was adopted:

Resolved, That the Messenger boys of the Convention be permitted to use the ground in front of the Capitol for playing ball and athletic exercises.

On motion of Mr. Mussey,

The Convention went into committee of the whole, on the general order,

Mr. P. D. Warner in the chair.

IN COMMITTEE OF THE WHOLE.

The committee resumed the consideration of the article entitled "Finance and Taxation."

The pending question being on the substitute of Mr. Van Hook for Sec. 8,

It was not adopted.

The substitute for Sec. 8 offered by Mr. Willard being in order,

It was withdrawn.

Section 11 being under consideration,

Mr. Withey moved to amend it by adding at the end thereof the words, "and except the ship canal at the Sault Ste. Marie."

The amendment was adopted.

Section 12 being under consideration,

Mr. Pratt moved that the section be stricken out.

Mr. Leach moved to amend the section by striking out the words "hereafter created," in the third line;

Which motion prevailed.

Mr. Lovell moved to amend the section by striking out the word "banking," in the second line;

Which was not agreed to.

Mr. Luce moved to amend the section by adding at the end thereof the words, "and from venders of intoxicating drinks."

Mr. Wright moved to amend the amendment by adding thereto the words, "horse-thieves and counterfeiters;"

Which motion did not prevail.

The question recurring on the amendment of Mr. Luce, It was not agreed to.

The question recurring on striking out the section,

The motion prevailed.

Section 13 being under consideration,

Mr. Pratt moved to amend the section by inserting after the word "property," the words, and "corporations."

Mr. Leach moved to amend by striking out of the first line the words, "property-paying," and inserting in lieu thereof, 'such property and corporations as shall pay.'

Mr. Holt offered the following substitute for the section:

Sec. 13. The Legislature shall provide an uniform rule of taxation except on such property and corporations as pay specific taxes, and such taxes shall be levied thereon as shall be prescribed by law.

After some debate,

The amendment of Mr. Leach was withdrawn.

Mr. Holt withdrew the substitute for the section.

The amendment of Mr. Pratt, was then adopted.

Mr. Coolidge moved to strike out the word "and," in the second line, and make the last clause of the section a separate sentence,

Which motion prevailed.

Section 14 being under consideration,

Mr. Estee moved that it be stricken out.

Mr. Haire moved to amend the section by adding thereto the following:

"And the Legislature shall provide by law for the final collection of all taxes in the several counties except specific taxes."

Mr. Alexander offered the following substitute for the section:

"The Legislature shall provide for assessing, by a uniform

rule, all moneys, credits, investments in bonds, stocks, joint stock companies, or otherwise; and also all real and personal property according to its true value in money, except as otherwise provided in this article."

The amendment of Mr. Haire was not agreed to.

Mr. Lovell moved that the committee rise, report progress, and ask leave to sit again.

The motion prevailed.

IN CONVENTION.

The committee, through the chairman, submitted the following report:

The committee of the whole have had under consideration Article —, entitled "Finance and Taxation;"

Have made some progress therein, but not having gone through therewith, have directed me to report that fact to the Convention, and ask leave to sit again.

P. DEAN WARNER, *Chairman*.

The report was accepted, and leave granted the committee to sit again.

On motion of Mr. Henderson,

The Convention adjourned.

TWENTY-SECOND DAY.

Lansing, Thursday, June 13, 1867.

The Convention was called to order by the President at 9 o'clock A. M.

Prayer by Rev. Mr. Straub.

Roll called: a quorum present.

Absent without leave, Mr. Hull.

Mr. Tyler asked and obtained leave of absence for Mr. Hull, for an indefinite time, on account of sickness.

Mr. Pratt asked and obtained leave of absence for himself, for to-day and to-morrow.

Mr. Pringle asked and obtained leave of absence for himself, for to-day and to-morrow.

Mr. Wright asked and obtained leave of absence for himself, after to-day, for an indefinite time, on account of important business, requiring his personal attention.

At the request of Mr. Pratt, the following paragraph, in a note from the Deputy Auditor General, was directed to be inserted in the Journal:

AUDITOR GENERAL'S OFFICE, }
Lansing, June 12, 1867. }

HON. D. L. PRATT—DEAR SIR:

* * * * *

It may not be out of place to remark here, that on page 72, of the Convention Journal, there is a typographical error that puts some of the National Banks in a false position—the April installment of specific tax has *not* been paid by the last nine in the list.

Very respectfully,

H. R. PRATT,
Dep. Aud. General.

PRESENTATION OF PETITIONS.

By Mr. Aldrich: petition of Rev. L. W. Crittenden, Rev. Edwin Allen, Chas. Henry and 56 others, praying that section 47 article 4, of the present Constitution, be retained in the new.

Referred to the committee on intoxicating liquors.

By Mr. Holt: petition of Wm. R. Mulder, Chas. R. Shears, and 40 other citizens of Muskegon county, praying for a license clause in the new Constitution;

By the same: petition of Alex. J. Judd, Chas. W. Root and 17 others, citizens of Muskegon county, on the same subject;

By the same: petition of Samuel R. Sanford, Chauncey Davis, Elias W. Merrill, Joseph H. Hackley, Robert P. Easton, L. G. Mason, D. McLaughlin, Ira O. Smith, and 32 other citizens of Muskegon county, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. W. E. Warner: petition of Hon. J. A. Sexton and 28 others, legal voters of the township of Taylor, Wayne county, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. Winans: petition of James Markey, W. A. Hall, L. F. Rose, J. W. Hinchey, Chas. Young and 105 others, voters in the village of Pinckney, Livingston county, on the same subject;

By the same: petition of Roswell Barnes, C. M. Case, N. Platt and 66 others, legal voters of Brighton, Livingston county, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. Lovell: memorial of Hon. Wm. M. Fenton, Hon. L. Walker, Hon. Wm. Newton and 9 others, members of the bar of Genesee county, asking that no new restrictions be made upon the powers of the Legislature in reference to the supreme and circuit courts, and that the judges thereof be elected by the people as heretofore.

Referred to the committee on the judicial department.

By Mr. Germain: petition of C. Griffith, druggist, L. J. Lemert, merchant, and 12 other citizens of Matherton, Ionia county, for a safe and well secured license system for the sale of wines and liquors;

By the same: petition of Alex. McFarland, M. F. Baker, Sam'l J. Scott, Darius M. Fox and 80 others, legal voters of the town of Lyons, Ionia county, praying that section 47, article 4, of the present Constitution, be retained, in principal at least, in the new one.

Referred to the committee on intoxicating liquors.

By the same: petition of Dorus M. Fox, H. D. Stone and 21 other men, and Clara E. Scott, Lizzie E. Weeks and 30 other women, citizens of Lyons, Ionia county, praying that the right of suffrage may be secured, on equal terms, to both men and women.

Referred to the committee on elections.

By Mr. Blackman: petition of Thomas O. Ward, John R. Baker, A. H. Herron, J. E. Barnum and C. Richards, attorneys-at-law, and 10 others, citizens of Paw Paw, Van Buren county,

in favor of the appointment of the State judiciary by the Governor and Senate.

Referred to the committee on the judicial department.

By Mr. Sutherland: petition of Chas. A. Lull, P. Cadworth, and P. B. Richardson and 73 others, of Bridgeport, Saginaw county, praying that section 47, article 4 of the present Constitution, be not retained in the new, and that in the place thereof there be inserted a provision requiring the Legislature to pass a license law, with proper restrictions.

Referred to the committee on intoxicating liquors.

By Mr. Kenney: petition of James Ferrill, D. W. Hinman, Geo. W. Butterfield, and 150 other citizens of Lapeer county, asking that section 47, article 4, be retained in the new Constitution, at least in principle.

Referred to the committee on intoxicating liquors.

By Mr. Richmond: petition of Dr. E. Wells, Philip Bach Hon. A. Felch, C. H. Millen, Bradley F. Granger and 22 other residents of the city of Ann Arbor, asking for a well secured system of license, for regulating the sale of intoxicating liquors.

Referred to the committee on intoxicating liquors.

By Mr. VanValkenburgh: petition of S. Winslow, Wm. F. Pier, M. B. Jones, and 328 other citizens of Oakland county, in favor of prohibiting the sale of intoxicating liquors.

Referred to the committee on intoxicating liquors.

By Mr. Walker: petition of Benj. W. Tucker, Sam. R. Denton, Nelson Bebee, John Stoat, and 30 other citizens of Duplain Clinton county, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. Williams: petition of Rev. E. Andrus, Rev. E. Marshall, Rev. John Sailor, Hon. J. R. Kellogg, Hon. P. O. Littlejohn, Hon. R. D. Pritchard and 154 others, electors of Allegan, Allegan county, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. Henderson: petition of H. M. Marvin, H. H. Tichm and Seth Pratt, and 106 others, citizens of Bedford, Calhoun county, asking the repeal of section 47, article 4, of the present

Constitution, and in lieu thereof a safe, well regulated system of license.

Referred to the committee on intoxicating liquors.

By Mr. Watkins: petition of Charles H. Tracy, Ezra Billings and 25 others, residents of Kent county, praying that section 47, article 4, of the present Constitution, be retained in the new instrument;

By the same: petition of L. Willie Alkens, J. Webster Morgan and 48 others, residents of Kent county, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. Ninde: resolution adopted at a public meeting of the citizens of Ypsilanti against legalizing the traffic in intoxicating liquors.

Referred to the committee on intoxicating liquors.

By Mr. Barber: petition of A. S. Glessner, F. S. Eddy, and 125 other citizens and voters of Branch county, praying that the new Constitution provide that fines incurred by violation of law be hereafter credited to the poor fund.

Referred to the committees on education and finance and taxation, jointly.

By Mr. Huston: petition of Henry Carr, Reuben Alexander and 21 other men, and Miss Laura Alexander, Miss A. Lenord and 18 other women, all citizens of the town of Denmark, Tuscola county, asking for the right of suffrage, upon equal terms, to both men and women.

Referred to the committee on elections.

By Mr. Mussey: petition of A. J. Heath, Crockett McElroy, and 45 other legal voters of New Baltimore, county of Macomb, asking that section 47, article 4, of the present Constitution be retained in the new.

Referred to the committee on intoxicating liquors.

By Mr. Duncomb: petition of Foster J. Parks, and 52 other citizens and voters of Van Buren county, on the same subject.

Referred to the committee on intoxicating liquors.

REPORTS OF STANDING COMMITTEES.

By the committee on finance and taxation:

The committee on finance and taxation, to whom was referred so much of the report of the select committee on the Upper Peninsula as relates to "the remission, for the term of ten years, of the specific taxes paid by mining companies in the Upper Peninsula, to the counties in which the mines of those companies are situated,"

Respectfully report that they have had the same under consideration, and have directed me to report that, in the opinion of said committee, it is inexpedient to remit said specific taxes, and ask to be discharged from the further consideration of the subject.

D. C. LEACH, *Chairman*.

The report was accepted and laid on the table, and the committee discharged.

MOTIONS AND RESOLUTIONS.

Mr. Van Valkenburgh offered the following resolution:

Resolved, That the committee on printing be directed to procure the publishing of a Manual for the members of the Convention, containing the names of the delegates, the counties they represent, their postoffice address, their occupation, and their respective boarding places in this city; also, a copy of the present Constitution, the rules of the Convention and such other matter as they may deem expedient.

The resolution was unanimously adopted.

On motion of Mr. Withey,

The committee on printing were instructed, by unanimous consent, to incorporate the remarks of Mr. Van Valkenburgh, in support of the resolution, in the Manual.

Mr. Lovell offered the following resolution, which was adopted:

Resolved, That the Sergeant-at-Arms report to the Convention, as soon as may be, the names, ages, nativity, residence, postoffice address, profession or business, and boarding place

of the members of this Convention, and that the same be printed in the journal.

On motion of Mr. Blackman,

The Convention went into committee of the whole on the general order,

Mr. P. D. Warner in the chair.

—
IN COMMITTEE OF THE WHOLE.

The committee resumed the consideration of the Article entitled "Finance and Taxation."

The pending question being on the substitute of Mr. Alexander for section 14,

Mr. Daniells moved to amend it by adding thereto the following:

"And that each tax-payer be required to give a true and full list of his taxable property to the assessor, under oath."

Mr. Ferris moved to amend section 14, by adding at the end thereof, the following words:

"Specific taxes shall be collected only from corporations."

Mr. Estee moved to amend the amendment of Mr. Ferris, by adding thereto the following:

"Every supervisor or assessor who shall knowingly or willfully neglect to carry out the provisions of this section, shall be deemed guilty of perjury, and subject to all the pains and penalties of the same;"

Which was not agreed to.

The amendment offered by Mr. Ferris was not adopted.

The question recurring on the amendment of Mr. Daniells to the substitute offered by Mr. Alexander,

It was not agreed to.

The substitute was withdrawn.

Mr. Alexander offered the following substitute for the section:

"All assessments hereafter authorized shall be on property, moneys and credits at a uniform valuation;"

Which was not adopted.

The question recurring on striking out the section,

The motion did not prevail.

Section 15 being under consideration,

Mr. Holmes moved to amend by striking out word "State," in the first line.

Mr. Miles moved to amend the amendment so that the words "by a State Board," be stricken out;

Which was accepted by Mr. Holmes.

After some debate, the amendment was withdrawn.

Mr. Huston moved to amend the section by adding after the word "taxes," in the last line, the following:

"Such board to consist of one member from each organized county, to be elected or appointed, as may be provided by law."

The amendment was not adopted.

Section 17 being under consideration,

Mr. Elliott moved to amend by striking out the words "for the preceding," in the second line, and inserting in lieu thereof the words "from the time of the last published account to the close of the last;"

Which motion did not prevail.

Mr. Leach offered the following additional section, to stand as section 18:

Sec. 18. The State shall not assume the debt, or any part thereof, of any county, township or city;

Which was adopted.

Mr. Henderson moved that the committee rise, report the Article and amendments back to the Convention, asking concurrence therein, and recommend its passage;

Which motion prevailed.

IN CONVENTION.

The committee, through the chairman, submitted the following report:

The committee of the whole have had under consideration Article—, entitled "Finance and Taxation;"

Have made sundry amendments thereto, and have directed their chairman to report the same back to the Convention, asking concurrence therein, and recommend its passage.

P. DEAN WARNER, *Chairman*.

The report was accepted and the committee discharged.

The question being on concurring in the amendments,

Mr. T. G. Smith moved that the Convention adjourn.

The motion prevailed.

TWENTY-THIRD DAY.

Lansing, Friday, June 14, 1867.

The Convention was called to order by the President at 9 o'clock A. M.

Prayer by Rev. Mr. Vandriss.

Roll called: a quorum present.

Mr. Parsons asked and obtained leave of absence for himself, for an indefinite time, on account of sickness.

Mr. Bills asked and obtained leave of absence for himself, for an indefinite time, on account of sickness.

Mr. Withey asked and obtained leave of absence for himself, for an indefinite time, on account of official duties elsewhere.

Mr. Coolidge asked and obtained leave of absence for himself, until Wednesday morning next, on account of important business.

Mr. Lothrop asked and obtained leave of absence for himself, until the middle of next week, on account of important business.

Mr. Thompson asked and obtained leave of absence for himself, until Friday next, on account of important business.

Mr. Ninde asked and obtained leave of absence for Mr. Norris and himself, until Monday night.

Mr. Conger asked and obtained leave of absence for himself, until Tuesday morning.

PRESENTATION OF PETITIONS.

By Mr. Henderson: petition of J. R. Ferguson, W. B. Church, Wm. Johnson and Geo. J. Herman, and 51 other citizens of

Marshall, asking that the prohibition of license of the sale of intoxicating drinks be incorporated in the new Constitution;

By the same: petition of Erwin Ellis, J. C. Fitzgerald, T. J. O'Brien and Jas. N. Robinson, and 26 other legal voters of the city of Marshall, on the same subject;

By the same: petition of Geo. T. Phelps, Frank Beach, A. O. Hyde, and 54 other legal voters of the city of Marshall, on the same subject;

By the same: petition of Geo. Ingersoll, Addison Birch, J. O. Rufand, N. J. Frink, and 45 other legal voters of the city of Marshall, on the same subject;

By the same: petition of W. M. Barns and 11 other men, and Miss Jesse Chisbrough, Mrs. M. Y. Hood, Mrs. Wm. Barns and Mrs. G. T. Phelps, and 37 other women of the city of Marshall, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. Bills: petition from Cambridge, in favor of prohibition;

By the same: petition from Cambridge, on the same subject.

Referred to the committee on intoxicating liquors,

By Mr. Germain: petition of John B. Welch, H. H. Goodwin, L. B. Soule, P. D. Cutler, and 20 other legal voters, citizens of Ionia, praying that section 47, article 4, of the present Constitution, be retained in the new one;

By the same: petition of H. M. Brown, A. B. Hayes, A. Cornell, and 58 other legal voters of Ionia county, on the same subject;

Referred to the committee on intoxicating liquors.

By Mr. Corbin: petition of Geo. Peters, M. B. Davis, and 28 other legal voters of Summerfield and vicinity, in Monroe county, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. Barber: petition of Mrs. D. C. Powers, Mrs. D. C. Purenton, Mrs. J. P. Algier, Mrs. J. T. Gilbert, and 525 other ladies of the city of Coldwater, Branch county, on the same subject;

Referred to the committee on intoxicating liquors.

By Mr. Walker: petition of John Wilson, Charles McDonald, A. G. Higham, Wm. H. Moote, and 99 others, purporting to be citizens of St. Johns, Clinton county, in favor of license law.

Referred to the committee on intoxicating liquors.

By Mr. Holt: petition of Geo. Bradford and 50 other citizens of Ravenna, Muskegon county, praying that section 47, article 4, of the old Constitution be retained in the new one.

Referred to the committee on intoxicating liquors.

By Mr. Andrus: petition of John N. Young, Hiram Squire, Francis Wright, Richard Wright, and 40 other legal voters of Macomb county, on the same subject;

By the same: petition of Maj. A. M. Keeler, Isaac C. Cross, and 6 others, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. Lamb: petition of F. P. Currier, Amos Hewitt, Wm. McKay and 18 other citizens of Almont, Lapeer county, on the same subject;

By the same: petition of G. A. Sawyer, B. L. Sawyer, Jos. M. Dolph and 10 others, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. Alexander: petition of E. M. Plimpton, A. C. Day, Wm. F. Molsbery, John N. Post, Sanford Smith, Wm. Osborn, A. Foster, T. M. Fulton, Wm. Peers, J. M. Russell, B. E. Binns, and 283 other residents of Berrien county, all of whom, except three, are legal voters, praying for a provision in the Constitution authorizing the Legislature to pass a law for licensing the sale of spirituous and malt liquors.

Referred to the committee on intoxicating liquors.

By Mr. Lamb: petition of M. DeLand, A. B. Wood, J. S. Faulkins, and 25 other men, and Mrs. R. L. DeLand, Mrs. Ann M. Emmons and Mrs. E. Hollett, and 33 other women, asking equal suffrage for men and women.

Referred to the committee on elections.

REPORTS OF STANDING COMMITTEES.

By the committee on supplies:

The committee on supplies, to whom was referred a resolution requesting them to ascertain and report the amount of mileage to which each of the members are entitled for attendance upon the Convention,

Respectfully report that they have had the same under consideration, and have directed me to report the following as the amount, respectively, that each of the members that have been in attendance are entitled to for mileage, and ask to be discharged from the further consideration of the subject.

LEVI ALDRICH, *Chairman.*

Report accepted and committee discharged:

The report and accompanying document were laid on the table, ordered printed in the journal, and are as follows:

| | |
|-------------------|---------|
| Mr. Aldrich,..... | \$32 80 |
| Alexander,..... | 31 00 |
| Andrus,..... | 26 60 |
| Barber,..... | 27 60 |
| Bills,..... | 15 00 |
| Birney,..... | 26 00 |
| Blackman,..... | 20 00 |
| Bradley,..... | 22 80 |
| Brown,..... | 30 20 |
| Burtch,..... | 2 20 |
| Burtenshaw,..... | 172 00 |
| Case,..... | 19 00 |
| Chapin,..... | 15 60 |
| Chapman,..... | 90 00 |
| Coolidge,..... | 30 60 |
| Conger,..... | 36 40 |
| Corbin,..... | 21 00 |
| Crocker,..... | 28 60 |
| Daniells,..... | 2 80 |
| Desnoyer,..... | 23 60 |
| Divine,..... | 43 20 |

| | |
|----------------------------------|---------|
| Mr. Duncan,..... | \$24 80 |
| Duncombe,..... | 28 60 |
| Elliott,..... | 20 00 |
| Estee,..... | 18 80 |
| Farmer,..... | 32 80 |
| Ferris,..... | 22 80 |
| Germain,..... | 14 20 |
| Giddings,..... | 20 00 |
| W. F. Goodwin,..... | 11 20 |
| D. Goodwin,..... | 23 20 |
| Gulick,..... | 170 40 |
| Haire,..... | 26 00 |
| Harris,..... | 18 20 |
| Hazen,..... | 30 90 |
| Henderson,..... | 14 00 |
| Henkel,..... | 23 20 |
| Hixson,..... | 14 00 |
| Holmes,..... | 12 20 |
| Holt,..... | 30 40 |
| Howard,..... | 15 40 |
| Hull,..... | 33 00 |
| Huston,..... | 25 40 |
| Ingalls,..... | 110 00 |
| Jennison—(has not been present.) | |
| Kenney,..... | 20 00 |
| Lamb,..... | 35 20 |
| Lawrence,..... | 5 00 |
| Leach,..... | 106 00 |
| Longyear,—(resides in Lansing.) | |
| Lothrop,..... | 23 20 |
| Lovell,..... | 15 40 |
| Luce,..... | 32 40 |
| McClelland,..... | 23 20 |
| McConnell,..... | 16 20 |
| McKernan,..... | 162 40 |
| Miles,..... | 34 60 |

| | |
|------------------------|---------|
| Mr. Miller, | \$22 00 |
| Morton, | 24 00 |
| Murray, | 24 00 |
| Mussey, | 32 20 |
| Musgrave, | 3 60 |
| Ninde, | 17 20 |
| Norris, | 17 20 |
| Parsons, | 6 40 |
| Pratt, | 22 60 |
| Pringle, | 7 60 |
| Purcell, | 23 20 |
| Rafter, | 24 00 |
| Richmond, | 16 00 |
| Root, | 10 00 |
| Sawyer, | 21 60 |
| Shearer, | 23 20 |
| Sheldon, | 18 60 |
| T. G. Smith, | 12 00 |
| W. A. Smith, | 25 50 |
| Stockwell, | 23 00 |
| Stoughton, | 30 00 |
| Sutherland, | 22 00 |
| Thompson, | 14 00 |
| Turner, | 5 60 |
| Tyler, | 34 80 |
| Utley, | 34 00 |
| Van Riper, | 28 00 |
| Van Valkenburgh, | 19 20 |
| Walker, | 9 60 |
| P. D. Warner, | 26 00 |
| W. E. Warner, | 23 20 |
| M. C. Watkins, | 20 40 |
| F. C. Watkins, | 11 40 |
| White, | 26 60 |
| Willard, | 16 40 |
| Winans, | 17 80 |

| | |
|-----------------------------------|---------|
| Mr. Winsor,..... | \$50 00 |
| Withey,..... | 22 00 |
| Williams,..... | 26 80 |
| Woodhouse,..... | 4 40 |
| Wright,..... | 20 40 |
| Yeomans,..... | 15 00 |
| President of the Convention,..... | 16 60 |

By the minority of the committee on exemptions:

The undersigned, members of the committee on exemptions, unable to approve of the article on said subject, submitted to the Convention by the majority of said committee, in pursuance of leave heretofore granted, herewith submit a minority report:

They desire to state, but not at this time to argue, the chief points in which they have felt compelled to differ from the majority of the committee:

First. The petition of the Eight-Hour League is entitled to a respectful consideration, and the prayer thereof asking, in substance, that exemptions be subject to laborers' and mechanics' liens, is reasonable and should be granted.

Second. The exemptions proposed by the majority report are greater than sound policy would advise, and tend rather to protect the rich than the poor.

Third. The reason of the policy which reserves the benefits of the homestead to the widow and minor children, being the protection of the unfortunate and measurably helpless, ceases to be of force, if the widow have a homestead in her own right, or remarry, after the children attain their majority.

Fourth. The Constitution should recognize the right of the wife to control her own property absolutely.

In accordance with these views, they submit an article on exemptions, and respectfully ask that the same may be printed.

HENRY R. LOVELL,

WILLIAM A. RAFTER.

Report was accepted.

The Article was ordered printed, placed on the general order, and referred to the committee of the whole.

By the committee on impeachment and removals from office:

The committee on impeachments and removals from office, to whom was referred Article 12, of the Constitution,

Respectfully report that they have had the same under consideration, and have directed me to report the following article, entitled "Impeachments and Removals from office," recommending that the same do pass, and ask to be discharged from the further consideration of the subject.

S. H. BLACKMAN, *Chairman*.

Report accepted and committee discharged.

The article was read a first and second time by its title, ordered printed, placed on the general order, and referred to the committee of the whole.

By the committee on cities and villages:

The committee on cities and villages, to whom was referred the memorial of the township board of the township of Lansing, and other citizens of said township, praying that the Constitution may be so framed that the Legislature may have the power to authorize said township to hold its elections in the city of Lansing,

Respectfully report that they have had the same under consideration, and have directed me to report the same back to the Convention, and recommend that it be referred to the committee on elections, and ask to be discharged from the further consideration of the subject.

M. H. MILES, *Chairman*.

Report accepted and committee discharged.

The memorial was referred to the committee on elections.

MOTIONS AND RESOLUTIONS.

Mr. Mussey offered the following resolution, which was adopted:

Resolved, That the Auditor General be respectfully requested to communicate to this Convention the amount of money appropriated by the State to the Normal School.

Mr. Morton moved that the Manual of the Convention, ordered yesterday, embrace the following:

- 1st. Diagram of the Convention;
- 2d. Mr. Van Valkenburgh's resolution and remarks;
- 3d. Names, nativity, post-office address, and counties of the members;
- 4th. Rules of the Convention;
- 5th. Standing committees;
- 6th. Census of the State by counties;
- 7th. Judges of the Supreme and Circuit courts and the circuits;
- 8th. Governors of Michigan from the first organization of the territory;
- 9th. Names of Senators and Representatives in Congress;
- 10th. Names of the delegates of the Constitutional Conventions of 1835 and 1850;
- 11th. Blank leaves for signatures of members.

Also, that 400 copies of the Manual be printed.

The motion prevailed.

Mr. Hazen offered the following resolution:

Resolved, That the committee on public lands be instructed to inquire into the expediency of reporting a clause providing a homestead of one hundred and sixty acres from the State lands, for every citizen of the age of twenty-one years who will settle upon and improve the same for five years.

Referred to the committee on public lands.

Mr. Root offered the following resolution:

Resolved, That the committee on education be instructed to inquire into the expediency of providing in the Constitution for a system of instruction in the medical department of the University which shall be uniform in its practice.

Referred to the committee on education.

Mr. Lamb offered the following resolution:

Resolved, That the committee on the legislative department be instructed to inquire into the propriety of inserting a clause in the Constitution of the following import, to wit:

Sec. — The Legislature may provide by law, for the imposition by townships of a special tax upon dogs for the creation of

a fund for the payment of sheep destroyed or injured by unknown dog or dogs within such township.

Referred to the committee on legislative department.

Mr. P. D. Warner offered the following resolution:

Resolved, That so much of the grounds in front of the State House as have been mowed and prepared for a play ground for the messenger boys of this Convention, be reserved for their exclusive use, and that the Sergenat-at-Arms be directed to forbid and prevent other boys from using the same for a play ground, unless invited by the messengers.

Mr. Lothrop moved to lay the resolution on the table;

Which motion did not prevail.

The resolution was then adopted.

Mr. Ferris offered the following resolution:

Resolved, That the committee on miscellaneous provisions inquire as to the propriety of inserting a section as follows:

"No street, alley or road shall be laid out or opened through any cemetery or burial ground, incorporated under or by virtue of the laws of this State, without the consent of the trustees thereof."

Referred to the committee on miscellaneous provisions.

Mr. P. Dean Warner offered the following resolution:

Resolved, That the Sergeant-at-Arms be instructed to cause the water-jar to be supplied with pure, fresh water for the accommodation of the members of the Convention, without ice, until otherwise ordered.

Mr. Daniells moved to amend the resolution, so as to provide a separate jar of water for the use of the mover of the resolution.

On motion of Mr. Blackman,

The resolution and amendment were laid on the table.

Mr. Lovell offered the following resolution, which was adopted:

Resolved, That the State Librarian be directed to make arrangements to exchange ten copies of the journal and debates and proceedings of this Convention with the Constitutional

Convention of New York for like documents, to be forwarded daily.

UNFINISHED BUSINESS.

The Convention resumed the consideration of the unfinished business, being on concurring in the amendments made by the committee of the whole to the article entitled "Finance and Taxation."

Mr. Leach moved that the question be taken first on the substitute for section three.

Mr. Daniells moved that each amendment be considered separately;

Which was accepted.

The motion as amended was then agreed to.

The question being on concurring in the substitute adopted in committee of the whole for section 3,

Mr. Miles offered the following in lieu thereof:

"The Legislature shall provide by law for the payment and extinguishment of the State debt, (other than the amounts due to educational funds,) as the same shall fall due, and every law hereafter enacted by the Legislature, creating a debt or authorizing a loan, shall provide for the payment and extinguishment of such debt or loan."

Mr. McClelland demanded the yeas and nays.

The demanded being supported,

The amendment of Mr. Miles was not adopted, the following being the vote thereon:

YEAS.

Mr. Barber,
Giddings,

Mr. Miles,
Sawyer,

Mr. Stockwell,
Willard, 6

NAYS.

Mr. Aldrich,
Alexander,
Andrus,
Birney,
Blackman,
Bradley,
Brown,
Burtenshaw,

Mr. Harris,
Hazen,
Henderson,
Hirson,
Holmes,
Holt,
Howard,
Huston,

Mr. Rafter,
Richmond,
Root,
Shearer,
Sheldon,
T. G. Smith,
W. A. Smith,
Sutherland,

| | | |
|----------------|-------------|-----------------|
| Case, | Kenney, | Thompson, |
| Chapin, | Lamb, | Turner, |
| Chapman, | Lawrence, | Tyler, |
| Coolidge, | Leach, | Utley, |
| Conger, | Longyear, | Van Riper, |
| Corbin, | Lothrop, | Van Valkenburg, |
| Crocker, | Lovell, | Walker, |
| Daniells, | Luce, | P. D. Warner, |
| Desnoyers, | McClelland, | W. E. Warner, |
| Divine, | McConnell, | M. C. Watkins, |
| Duncan, | McKernan, | F. C. Watkins, |
| Duncombe, | Miller, | White, |
| Elliott, | Morton, | Winans, |
| Estee, | Murray, | Winsor, |
| Farmer, | Mussey, | Withey, |
| Ferris, | Musgrave, | Williams, |
| Germain, | Ninde, | Woodhouse, |
| W. F. Goodwin, | Norris, | Yeomans, |
| D. Goodwin, | Parsons, | President, |
| Haire, | | |

82

The question being on concurring in the amendment made in committee of the whole to section 11,

Mr. D. Goodwin moved that the amendment be inserted after the word "improvement," instead of the end of the section;

Which motion prevailed.

The amendment was then concurred in.

The question being on concurring in the action of the committee in striking out section 12,

It was concurred in.

The question being on concurring in the amendments made by the committee to section 13,

They were concurred in.

The question being on concurring in the action of the committee in adding a new section to the article,

It was concurred in.

Mr. Leach moved to amend section 17, by striking out of the second line the words, "for the preceding fiscal year;"

Which was agreed to.

Mr. Huston offered the following, to stand as section 15:

Sec. 15. The Legislature shall provide for the equalization

by a State board, to consist of one member from each Senatorial district, except in those districts that may be entitled to more than one Senator, and in such districts there shall be the same number of members as there are Senators, in the year one thousand eight hundred and sixty-nine, and every fifth year thereafter, of assessments on all taxable property, except that paying specific taxes.

Mr. Sutherland offered the following amendment to section 15:

Insert after the words "State board," the following: "to consist of a member from every three counties, to be elected as shall be provided by law."

The substitute of Mr. Huston was withdrawn.

Mr. Van Riper moved to amend the amendment by inserting the words "two from each Congressional District," in lieu of the words "a member from every three counties;"

Which was not agreed to.

Mr. Lovell moved to strike out "every three counties," and insert the words "each Senatorial district," in lieu thereof.

Mr. Sutherland demanded the yeas and nays.

The demand being sustained, the amendment to the amendment was adopted, the following being the vote thereon:

YEAS.

| | | |
|--------------|-------------|-----------------|
| Mr. Aldrich, | Mr. Harris, | Mr. Root, |
| Alexander, | Hazen, | Sawyer, |
| Birney, | Holmes, | T. G. Smith, |
| Blackman, | Holt, | Stockwell, |
| Bradley, | Howard, | Sutherland, |
| Burtenshaw, | Huston, | Thompson, |
| Case, | Kenney, | Turner, |
| Chapin, | Lamb, | Utley, |
| Chapman, | Leach, | Van Riper, |
| Coolidge, | Longyear, | Van Valkenburg, |
| Conger, | Lovell, | Walker, |
| Corbin, | Miles, | P. D. Warner, |
| Daniells, | Miller, | M. C. Watkins, |
| Divine, | Morton, | F. C. Watkins, |
| Elliott, | Murray, | Willard, |
| Estee, | Musgrave, | Withey, |
| Farmer, | Ninde, | Williams, |

Ferris,
Germain,
Giddings,

Norris,
Parsons,
Rafter,

Yeomans,
President,

59

NAYS.

Mr. Andrus,
Barber,
Brown,
Crocker,
Desnoyers,
Duncan,
Duncombe,
W. F. Goodwin,
D. Goodwin,
Haire,

Mr. Henderson,
Hixson,
Lawrence,
Lothrop,
Luce,
McClelland,
McConnell,
McKernan,
Mussey,

Mr. Richmond,
Shearer,
Sheldon,
W. A. Smith,
Tyler,
White,
Winans,
Winsor,
Woodhouse,

28

The question recurring on the amendment to the section as amended,

Mr. McClelland called for the yeas and nays.

The amendment was adopted, by yeas and nays, as follows:

YEAS.

Mr. Aldrich,
Alexander,
Birney,
Blackman,
Bradley,
Burtenshaw,
Case,
Chapin,
Coolidge,
Conger,
Corbin,
Daniells,
Divine,
Elliott,
Estee,
Ferris,
Germain,

Mr. Harris,
Hazen,
Holmes,
Holt,
Howard,
Huston,
Kenney,
Lamb,
Lovell,
McKernan,
Miles,
Miller,
Murray,
Ninde,
Norris,
Parsons,

Mr. Rafter,
Sawyer,
T. G. Smith,
Stockwell,
Sutherland,
Thompson,
Turner,
Utley,
VanRiper,
VanValkenburg,
Walker,
M. C. Watkins,
Winsor,
Withey,
Yeomans,
President,

49

NAYS.

Mr. Andrus,
Barber,
Brown,
Chapman,
Crocker,
Desnoyers,
Duncan,

Mr. Henderson,
Hixson,
Lawrence,
Leach,
Longyear,
Lothrop,
Luce,

Mr. Root,
Shearer,
Sheldon,
W. A. Smith,
Tyler,
P. D. Warner,
F. C. Watkins,

| | | |
|----------------|-------------|------------|
| Duncombe, | McClelland, | White, |
| Farmer, | McConnell, | Willard, |
| Giddings, | Morton, | Winans, |
| W. F. Goodwin, | Mussey, | Williams, |
| D. Goodwin, | Musgrave, | Woodhouse, |
| Haire, | Richmond, | |

38

Mr. Winsor offered the following amendment to Sec. 15:

“Such equalization shall be at the actual cash value of such property.”

The question being on the adoption of the amendment,

Mr. Conger demanded the yeas and nays.

The demand being sustained, the amendment was not adopted, the following being the vote thereon:

YEAS.

| | | |
|--------------|---------------|----------------|
| fr. Aldrich, | Mr. Duncombe, | Mr. Lovell, |
| Alexander, | Esstee, | McKernan, |
| Barber, | Ferris, | Musgrave, |
| Birney, | Hazen, | Parsons, |
| Blackman, | Henderson, | T. G. Smith, |
| Burtenshaw, | Hixson, | Stockwell, |
| Case, | Holmes, | Turner, |
| Chapin, | Howard, | Utley, |
| Coolidge, | Huston, | M. C. Watkins, |
| Conger, | Lamb, | Willard, |
| Daniells, | Lawrence, | Winsor, |

33

NAYS.

| | | |
|----------------|-------------|-----------------|
| fr. Andrus, | Mr. Kenney, | Mr. Shearer, |
| Bradley, | Leach, | Sheldon, |
| Brown, | Longyear, | W. A. Smith, |
| Chapman, | Lothrop, | Sutherland, |
| Corbin, | Luce, | Thompson, |
| Crocker, | McClelland, | Tyler, |
| Desnoyers, | McConnell, | Van Riper, |
| Divine, | Miles, | Van Valkenburg, |
| Duncan, | Miller, | Walker, |
| Elliott, | Murray, | P. D. Warner, |
| Farmer, | Mussey, | F. C. Watkins, |
| Germain, | Morton, | White, |
| Giddings, | Ninde, | Withey, |
| W. F. Goodwin, | Norris, | Williams, |
| D. Goodwin, | Rafter, | Woodhouse, |
| Haire, | Richmond, | Yeomans, |
| Harris, | Root, | President, |
| Holt, | Sawyer, | |

53

On motion of Mr. Daniells,
The Convention took a recess until 3 o'clock.

—
AFTERNOON SESSION.

3 o'clock P. M.

The Convention was called to order by the President.

Roll called: a quorum present.

The Convention resumed the consideration of the

UNFINISHED BUSINESS,

Being Article —, entitled "Finance and Taxation."

Mr. Withey moved to reconsider the vote by which the Convention adopted the amendment to Sec. 15.

After considerable debate,

Mr. Norris moved to lay the motion to reconsider on the table.

Mr. Giddings demanded the yeas and nays.

The demand being supported, the motion prevailed, by yeas and nays as follows:

YEAS.

Mr. Aldrich,
Birney,
Bradley,
Burtenshaw,
Case,
Chapin,
Chapman,
Conger,
Corbin,
Daniells,
Divine,
Elliott,
Estee,
Ferris,
Germain,

Mr. Hazen,
Holmes,
Holt,
Howard,
Huston,
Kenney,
Lamb,
Longyear,
Lovell,
McKernan,
Miller,
Murray,
Ninde,
Norris,

Mr. Parsons,
Pratt,
Rafter,
T. G. Smith,
Stockwell,
Sutherland,
Turner,
Utley,
Van Riper,
Walker,
M. C. Watkins,
Winsor,
Woodhouse,
Yeomans,

43

NAYS.

Mr. Alexander,
Andrus,
Barber,
Blackman,
Brown,

Mr. Haire,
Harris,
Henderson,
Hixson,
Lawrence,

Mr. Sawyer,
Shearer,
Sheldon,
W. A. Smith,
Tyler,

| | | |
|----------------|-------------|-----------------|
| Coolidge, | Leach, | Van Valkenburg, |
| Crocker, | Lothrop, | P. D. Warner, |
| Desnoyers, | Luce, | F. C. Watkins, |
| Duncan, | McClelland, | White, |
| Duncombe, | McConnell, | Willard, |
| Farmer, | Mussey, | Winans, |
| Giddings, | Musgrave, | Withey, |
| W. F. Goodwin, | Richmond, | Williams, |
| D. Goodwin, | Root, | President, 42 |

Mr. Daniells moved to amend section 13 by adding thereto the following:

“And the tax-payers shall be required to give a complete list of their taxable property to the supervisors, under oath.”

Mr. Parsons moved to amend the amendment by inserting the word “personal,” before the word “property;”

Which was accepted.

Mr. P. D. Warner moved to amend the amendment by adding thereto the following:

“And in case any person shall swear falsely in giving in his assessment, as herein provided, he shall be deemed guilty of treason against the State, and the amount of property withheld shall be confiscated to the State.”

Mr. Lamb demanded the yeas and nays.

The demand being supported, the amendment was not adopted, the following being the vote thereon:

YEAS.

| | | |
|------------|----------------|----------------|
| Mr. Brown, | Mr. Elliott, | Mr. McConnell, |
| Case, | W. F. Goodwin, | P. D. Warner, |
| Crocker, | Haire, | 8 |

NAYS.

| | | |
|--------------|-------------|-----------------|
| Mr. Aldrich, | Mr. Hixson, | Mr. Sheldon, |
| Alexander, | Holmes, | T. G. Smith, |
| Andrus, | Howard, | W. A. Smith, |
| Barber, | Huston, | Stockwell, |
| Birney, | Kenney, | Sutherland, |
| Blackman, | Lamb, | Turner, |
| Bradley, | Lawrence, | Tyler, |
| Burtenshaw, | Leach, | Utley, |
| Chapin, | Longyear, | Van Riper, |
| Chapman, | Lovell, | Van Valkenburg, |
| Corbin, | Luce, | Walker, |

| | | |
|------------|-------------|----------------|
| Daniells, | McClelland, | M. C. Watkins, |
| Desnoyers, | McKernan, | F. C. Watkins, |
| Divine, | Miller, | White, |
| Duncan, | Murray, | Willard, |
| Duncombe, | Mussey, | Winans, |
| Estee, | Musgrave, | Winsor, |
| Farmer, | Parsons, | Withey, |
| Ferris, | Pratt, | Williams, |
| Germain, | Rafter, | Woodhouse, |
| Harris, | Richmond, | Yeomans, |
| Hazen, | Root, | President, |
| Henderson, | Shearer, | 68 |

The question recurring on the amendment to the section,

Mr. Daniells demanded the yeas and nays.

The demand being supported, the amendment was not adopted, the following being the vote thereon:

YEAS.

| | | |
|----------------|---------------|-------------|
| Mr. Alexander, | Mr. Duncombe, | Mr. Rafter, |
| Blackman, | Estee, | Stockwell, |
| Case, | Lamb, | Turner, |
| Chapin, | Lawrence, | Utley, |
| Daniells, | Parsons, | Walker, |
| | | 15 |

NAYS.

| | | |
|----------------|----------------|-----------------|
| Mr. Aldrich, | Mr. Henderson, | Mr. Shearer, |
| Andrus, | Hixson, | Sheldon, |
| Barber, | Holmes, | T. G. Smith, |
| Birney, | Howard, | W. A. Smith, |
| Bradley, | Huston, | Sutherland, |
| Brown, | Kinney, | Tyler, |
| Burtenshaw, | Leach, | VanRiper, |
| Chapman, | Longyear, | Van Valkenburg, |
| Corbin, | Lovell, | P. D. Warner, |
| Crocker, | Luce, | F. C. Watkins, |
| Desnoyers, | McClelland, | M. C. Watkins, |
| Divine, | McConnell, | White, |
| Duncan, | McKernan, | Willard, |
| Elliott, | Miller, | Winans, |
| Farmer, | Murray, | Winsor, |
| Ferris, | Mussey, | Withey, |
| Germain, | Musgrave, | Williams, |
| D. Goodwin, | Pratt, | Woodhouse, |
| W. F. Goodwin, | Richmond, | Wright, |
| Haire, | Root, | Yeomans, |
| Harris, | Sawyer, | President, |
| Hazen, | | 64 |

The article was referred to the committee on arrangement and phraseology, for arrangement, correction and engrossment, and ordered to a third reading.

On motion of Mr. Shearer,

The Convention adjourned.

TWENTY-FOURTH DAY.

Lansing, Saturday, June 15, 1867.

The Convention was called to order by the President at 9 o'clock A. M.

Prayer by Rev. Mr. Straub.

Roll called: a quorum present.

Absent without leave, Messrs. Germain, Giddings, Haire and W. E. Warner.

Mr. Howard asked and obtained leave of absence for himself, for an indefinite time, on account of official business.

Mr. W. A. Smith asked and obtained leave of absence for Mr. W. E. Warner, for an indefinite time, on account of sickness.

Mr. F. C. Watkins asked and obtained leave of absence for himself, for an indefinite time, on account of sickness.

Mr. Yeomans asked and obtained leave of absence for Mr. Germain, for an indefinite time, on account of sickness.

Mr. Corbin asked and obtained leave of absence for Mr. Morton, for an indefinite time, on account of sickness.

Mr. Birney asked and obtained leave of absence for Mr. Haire, until Tuesday evening, on account of important business.

Mr. Richmond asked and obtained leave of absence for himself, for to-day and to-morrow, on account of important business.

Mr. Williams asked and obtained leave of absence for Mr. Giddings, for an indefinite time, on account of official business.

Mr. Musgrave asked and obtained leave of absence for himself, until Monday night.

Mr. Turner asked and obtained leave of absence for himself, until Monday night.

Mr. Sutherland asked and obtained leave of absence for himself, after to-day, for an indefinite time, on account of official business.

PRESENTATION OF PETITIONS.

By Mr. Walker: petition of Sylvester Hoyt, Eliza S. Hoyt, Alden Smith, Penelope Smith, Fred. Wilkinson, Amanda M. Wilkinson, Chas. Lyon, Jane ———, and others, citizens of St. Johns, Clinton county, for equal suffrage for men and women.

Referred to the committee on elections.

By Mr. Root: petition of Ingersoll Smith, D. S. Waldo, M. Babcock and 80 others, of Jonesville, Hillsdale county, praying that section 47, article 4, of the present Constitution, be retained in the new;

By the same: petition of L. W. Dunn, L. Collins, C. Brown and 24 others, of Hillsdale county, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. Andrus: petition of Jas. McLalelan, Marshal Gass, and 23 other legal voters of Macomb county, upon the same subject;

By the same: petition of Sarah F. Lerich, Bell M. Lerich, Lelie Deilrich, Orpha A. Adams, and 17 other young ladies, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. Stoughton: petition of Hon. J. G. Wait, David Knox, J. F. Van Vleck and 42 others, citizens of St. Joseph county, asking that article 4, section 47, may be retained in principle, at least, in the new Constitution;

By the same: petition of William Allman, Rev. A. G. Martin, and 40 other legal voters of the village of Sturgis, St. Joseph county, on the same subject;

By the same: petition of Capt. A. T. Drake, O. B. Curtis and 69 others, legal voters of the township and village of Sturgis, on the same subject.

Referred to the committee on intoxicating liquors.

By the same: petition of Harrison Kelley, B. B. Gardner and 16 other men, and Mrs. M. A. Parker, Hannah Kelley and

43 other women, citizens of St. Joseph county, asking equal suffrage for women;

By the same: petition of B. Toby, H. Wallace, Rev. A. G. Martin and 28 other men, and Mrs. J. V. Kyte, Mrs. J. C. Elliott, Mrs. H. C. Martin and 31 other women, citizens of St. Joseph county, on the same subject;

By the same: petition of William Allman, Isaac Aynes, A. T. Drake, T. E. White, and 34 other men; Louisa Allman, Mrs. Manly Chase and 8 other women, citizens of St. Joseph county, on the same subject.

Referred to committee on elections.

By Mr. Shearer: petition of Henry Carlisle and L. McClumpha, and 30 others, for the prohibition of the sale of intoxicating liquors;

By the same: petition of Wm. Ten Eyke and 23 others, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. White: petition of John Blair, G. B. Nichols and T. C. Putnam, and 33 other citizens of the township of Martin, Allegan county, praying for a clause in the new Constitution prohibiting the manufacture or sale of intoxicating liquors as a beverage.

Referred to the committee on intoxicating liquors.

By Mr. Brown: petition of J. C. Pierce, Isaac Bennett and J. B. Tompkins, and 41 others, legal voters of the township of Girard, in the county of Branch, praying that section 47, article 4, of the present Constitution be retained in the new.

Referred to the committee on intoxicating liquors.

By Mr. McClelland: petition of D. Bethune Duffield, E. C. Walker, Wm. Jenninson, D. C. Holbrook, C. I. Walker, C. A. Kent, E. W. Meddaugh, Ashley Pond, Theodore Romeyn, J. W. A. S. Cullen, S. Cochran, Hoyt Post, Cleveland Hunt, Wm. Gray, James D. Wier, Henry M. Duffield, James Caplis, F. H. Canfield, R. P. Toms, Henry B. Brown, John Ward, Hovey K. Clarke and Alfred Russell, members of the Detroit bar, for a provision in the Constitution authorizing the appointment by

the Governor, with the advice of the Senate, of all members of the judiciary.

Referred to the committee on the judicial department.

The President presented preamble and resolution of the Grand Lodge of the Independent order of Good Templars of the State of Michigan, adopted at a meeting held at Jackson, February 14th, 1867, protesting against license for the sale of intoxicating liquors.

On motion of Mr. Blackman,

The memorial was read, and ordered printed at large in the journal. It is as follows:

Whereas, The prospect now is that there will be a revision of the State Constitution before another meeting of this Grand Lodge, and as an effort is being made, or may be made, to restore the license system with all its degrading and corrupting influence; therefore,

Resolved, That this Grand Lodge, representing over thirty thousand of the citizens of Michigan, most earnestly and solemnly protest against any action tending to restore the license system of Michigan, or in any manner to impair the efficiency of the Prohibitory Liquor Law of the State That this resolution be published in the papers of the State friendly to the cause, and that a copy of the same be forwarded by the Secretary to the President of the Constitutional Convention, when the Convention shall be organized.

It was referred to the committee on intoxicating liquors.

By the same: memorial of the officers and delegates of the Grand River Association of Good Templars, representing over six thousand persons, belonging to both political parties in the counties of Ionia, Kent, Ottawa, Clinton and Barry, praying that the granting of license for the sale of intoxicating liquors be prohibited in the new Constitution.

Referred to the committee on intoxicating liquors.

On motion of Mr. McConnell,

The memorial was read and ordered printed in the journal.

The memorial is as follows:

To the Honorable members of the Constitutional Convention of the State of Michigan:

We, the undersigned, officers of a Convention this day convened in the village of Saranac, county of Ionia, composed of delegates from lodges of Good Templars within the district of the Grand River Association of this Order, in behalf of and by order of said Convention, would respectfully represent to your Honorable body—

That this Association represents sixty-seven lodges of Good Templars, numbering over six thousand persons, belonging to both political parties, in the counties of Ionia, Kent, Ottawa, Clinton and Barry;

That we do unanimously pray that in forming a new Constitution, you will, by express provision, prohibit the granting of license for the sale of intoxicating beverages.

And we would further represent that we number, in this organization, hundreds of men who have been identified with the great temperance reform movement for thirty years, through its progressive stages, and do know that we utter the sentiments of all the temperance organizations in our State, by insisting upon retaining in our legislation the prohibitory principle; and whenever the same has been submitted to a vote of the people, it has received their approval.

Therefore, regarding the prohibition of the manufacture and sale of intoxicating drinks as resting upon the same foundation as the suppression of larceny or murder—a crime against God and man—firmly believing this, we must and will stand by this principle, at any and all hazard.

And we hereby appoint Hon. B. A. Harlow, Rev. John Russell, Rev. F. B. Bangs, Col. D. M. Fox and A. B. Morse, a committee to proceed to Lansing and present this memorial to your favorable consideration.

Saranac, June 13th, A. D. 1867.

B. A. HARLOW, *President,*

F. B. BANGS,

L. B. BARNUM, *V. President,*

A. B. MORSE, *Secretary,*

GEO. W. WOODWARD, *Treasurer.*

COMMUNICATIONS FROM STATE OFFICERS.

The President announced the following:

SECRETARY'S OFFICE, }
Lansing, June 15, 1867. }

Hon. CHARLES M. CROSWELL, *President of the Constitutional Convention:*

SIR—In compliance with a resolution passed by the Convention on the 10th inst., I have the honor to transmit herewith an exhibit of the pardons granted by each Governor since the adoption of the Constitution of 1850, as appears from the executive journals.

Very respectfully,

SAMUEL H. ROW,

Deputy Secretary of State.

The communication and accompanying list were laid on the table, and ordered printed at large in the journal.

The list is as follows:

TABLE Showing the number of Pardons Granted by each Governor, since the adoption of the Constitution of 1850, the Term each Governor held Office, the Term of Sentence of each Convict, and the date of his Pardon, and for what Crime Convicted.

Gov. JOHN S. BARRY, whose term of office commenced Jan. 1850, and expired Dec. 31, 1851, granted three pardons, as follows:

| NAME OF CONVICT. | Date of Sentence. | Term. | Date of Pardon. | Crime. |
|--|------------------------|----------------------|-------------------------|---|
| William Somerville, | April 26, 1851, | Six months, | June 17, 1851, | Assault and battery. |
| Joseph M. Crane, | September, 1844, | Two years, | October 23, 1851, | Forgery. |
| William Mahoney, | October, 1851, | Five years, | November 1, 1851, | Larceny. |
| Gov. ROBERT MCLELLAND, whose term of office commenced Jan. 1, 1852, and expired March 7, 1853, granted 11 pardons, as follows: | | | | |
| Michael Doyle, | October, 1848, | Five years, | March 29, 1852, | Receiving stolen goods. |
| Samuel Prate, | January, 1848, | " | April 6, 1852, | Perjury. |
| Benjamin Messinger, | July, 1851, | One year, | July 1, 1852, | Larceny. |
| William Hammil, | June, 1845, | Eight years, | " 6, " | Burglary and larceny. |
| Erastus Bowen, | December, 1847, | Five years, | " 6, " | Counterfeit money, with intent to pass. |
| James Butler, | March, 1850, | Fifteen years, | " 6, " | Rape. |
| John Dunn, | " | Ten years, | " 6, " | " |
| John Randall, | November, 1851, | One year, | November 8, 1852, | Larceny. |
| Erastus Champlin, | September, 1851, | Five years, | March 2, 1853, | Conspiracy. |
| Ebenezer Farnham, | " | Eight years, | " 2, " | " |
| Erastus Smith, | " | Five years, | " 2, " | " |

Gov. ANDREW PARSONS, whose term of office commenced March 8, 1853, and expired Dec. 31, 1854, granted thirty-six pardons, as follows:

| | | | | |
|-----------------------------|--------------------------|----------------|----------------------|--------------------------|
| Henry Reynolds, | March, 1852, | 3 years, | April 8, 1853, | Concealing stolen goods. |
| George A. Spaulding, | April, 1852, | 4 " | May 2, " | Grand larceny. |
| Andrew J. Farnsworth, | September, 1852, | 3 " | " 4, " | Forging draft. |
| John Nichol, | May, 1852, | 7 " | June 1, " | Rape. |
| John Bried, | October, 1845, | 5 " | " 17, " | Larceny. |
| Anthony Murray, | " | 5 " | " 17, " | " |
| Samuel Woodward, | Spring Term, 1846, | 10 " | July 6, " | Burglary. |
| Harry Mosier, | June, 1851, | 6 " | " 11, " | Arson. |
| Nathan Foster, | November, 1851, | 3 " | " 11, " | Larceny. |
| William Butler, | April, 1844, | 6 " | Aug. 22, " | Perjury. |
| William Hall, | March, 1852, | 8 " | Sept. 1, " | Manslaughter. |
| LaFayette Thayer, | May, 1846, | 4 " | " 6, " | Larceny. |
| | | 9 " | " 13, " | Burglary. |

TABLE—Continued.

| NAME OF CONVICT. | Date of Sentence. | Term. | Date of Pardon. | Crime. |
|---|-----------------------|-----------|-------------------------|------------------------------|
| James B. Lyon,..... | October 1851,..... | 3 years, | Sept 17, 1853,..... | Larceny, |
| Joseph Carlisle,..... | June, 1852,..... | 5 " | " 23, "..... | " |
| Jesse Doyle,..... | December, 1851,..... | 5 " | " 29, "..... | Incest. |
| Morgan McGarry,..... | October, 1850,..... | 4 " | October 12, 1853,..... | Larceny. |
| Joseph E. McManey,..... | December, 1848,..... | 10 " | " 22, "..... | Manslaughter. |
| Joseph V. Freeland,..... | September, 1855,..... | 8 " | " 24, "..... | Arson. |
| Nicholas Schonover,..... | April, 1852,..... | 5 " | November 11, 1853,..... | Rape. |
| Nicholas Supply,..... | November, 1852,..... | 4 years, | December 5, "..... | Assault with intent to kill. |
| John Howard,..... | October 1851,..... | 3 " | January 31, 1854,..... | Larceny. |
| Marcus Beeler,..... | March 1853,..... | 3 " | June 5, "..... | Burglary and Larceny. |
| William Collins,..... | June, 1853,..... | 2 " | July 5, "..... | Larceny. |
| William Pollock,..... | April, 1852,..... | 5 " | September 25, "..... | Rape. |
| Samuel Galsbky,..... | June, 1853,..... | 10 " | October 4, "..... | Larceny. |
| Edward Blake,..... | March 1853,..... | 3 " | " 27, "..... | Larceny. |
| Francis A. McCamley,..... | September 1853,..... | 2 " | " 27, "..... | Aiding to break jail. |
| George Wells,..... | October, 1845,..... | 20 " | November 28, "..... | Assault with intent to kill. |
| Benjamin F. Dade,..... | " 1851,..... | 10 " | December 23, "..... | Perjury. |
| Lyman Champlin,..... | September, 1851,..... | 5 " | " 28, "..... | Conspiracy. |
| Willard Champlin,..... | " "..... | 5 " | " 28, "..... | " |
| Richard Price,..... | " "..... | 8 " | " 28, "..... | " |
| Eben Price,..... | " "..... | 8 " | " 28, "..... | " |
| William Corwin,..... | " "..... | 8 " | " 28, "..... | " |
| James L. Perkins,..... | " 1853,..... | 4 " | " 29, "..... | Forgery. |
| Gov. KINSLEY S. BINGHAM, whose term of office commenced Jan. 1st, 1855, and expired Dec. 31, 1858, granted one hundred and thirty-nine pardons, as follows: | | | | |
| Ami Filley,..... | September, 1851,..... | 10 years, | January 5, 1856,..... | Conspiracy. |
| Alonzo B. Hoyt,..... | April, 1851,..... | 6 " | " 31, "..... | Larceny. |
| Eliza Beesley,..... | December, 1854,..... | 2 " | March 17, "..... | Receiving stolen goods. |
| Henry H. Wlaney,..... | December, 1853,..... | 2 " | " 20, "..... | Seduction. |
| Henry Hack,..... | October, 1851,..... | 10 " | February 12, 1856,..... | Perjury. |
| Lyman Nelson,..... | March, 1853,..... | 2 " | " 13, "..... | Forgery. |
| Cornelius Bixby,..... | September, 1853,..... | 2 " | April 11, 1856,..... | Receiving stolen goods. |
| William Bowen,..... | October, 1852,..... | 3 " | June 12, "..... | Larceny. |
| Joseph Gary,..... | September, 1852,..... | 8 " | " 20, "..... | Passing counterfeit money. |
| John Smith,..... | June, 1855,..... | 60 days, | July 4, 1856,..... | Illegal voting. |
| Peter Ouent,..... | June, 1856,..... | " " | " "..... | " |

| 10 years and 6 months. | | 10 | |
|--------------------------|-----------------------|----------------|---|
| Theodore Barker..... | July, 1852..... | Aug. 18, | Burglary and larceny, assault and battery with intent to kill, and for breaking jail. |
| William Jackson..... | October, 1853..... | " 27, | Larceny. |
| Edmund Grandy..... | April, 1853..... | " 19, | Arson. |
| Andrew Loppert..... | November, 1853..... | " 19, | " |
| Margaret Mandeville..... | April, 1855..... | " 17, | Assault and battery. |
| Gardner Chappell..... | May, 1855..... | " 31, | Crime against nature. |
| Marvin D. Hazard..... | April, 1855..... | " 21, | Forgery. |
| David F. Powers..... | September, 1855..... | Nov. 6, | Burglary and larceny. |
| Robert Cary..... | September, 1854..... | " 6, | Rape. |
| George Tefft..... | December, 1847..... | " 11, | Assault and battery. |
| Albert Pratt..... | October 26, 1855..... | " 25, | Forgery. |
| John W. Baker..... | March, 1852..... | Jan. 6, 1856, | Larceny. |
| Henry H. Annabill..... | March, 1855..... | Feb. 14, | Offering counterfeit money. |
| John W. Glazier..... | September, 1852..... | April 28, | Burglary and larceny. |
| John Burns..... | September, 1854..... | May 3, | Having counterfeit money. |
| Lydia Hartman..... | March, 1856..... | " 14, | Passing " |
| Daniel Rathbone..... | July, 1852..... | " 31, | Arson. |
| Orlando D. Williams..... | September, 1851..... | July 2, | " |
| Alonzo Deleo..... | September, 1851..... | " 2, | Passing counterfeit money. |
| John Conklin..... | Fall Term, 1853..... | " 2, | Obtaining goods by false pretenses. |
| Frederick Biam, Jr..... | June, 1852..... | " 2, | Larceny. |
| Jonathan Price..... | March, 1856..... | " 25, | Refusing to pay over money. |
| Daniel F. Paris..... | September, 1851..... | " 25, | Larceny and breaking jail. |
| Charles Tryon..... | September, 1854..... | Aug. 7, | Assault and battery with intent to kill. |
| Charles Hughes..... | May, 1856..... | Sept. 6, | Passing counterfeit money. |
| Patrick McMahon..... | June, 1851..... | " 18, | House breaking with intent to steal. |
| John Hartman..... | October, 1854..... | Oct. 3, | Larceny. |
| William Hartman..... | September, 1856..... | " 31, | Perjury. |
| Alonzo Grandall..... | November, 1855..... | Nov. 22, | Manslaughter, second degree. |
| George Allard..... | December, 1855..... | Dec. 1, | Rape. |
| Patrick Spellman..... | May, 1853..... | " 16, | Assault and battery upon an officer. |
| Peter Cadott..... | June, 1856..... | " 17, | " |
| Elmer C. Benton..... | September, 1854..... | " 18, | " |
| Frederick Turret..... | September Term..... | Jan. 20, 1857, | Larceny. |
| John Long..... | October, 1854..... | " 20, | Passing counterfeit money. |
| James H. Bingham..... | October, 1852..... | " 24, | Disorderly conduct. |
| William Rowe..... | October, 1852..... | Feb. 16, | Manslaughter. |
| James Campbell..... | October, 1853..... | " 27, | Assault and battery and attempt at rape. |
| Daniel F. McGee..... | November, 1851..... | " 27, | Larceny. |
| Polly Howden..... | July, 1856..... | " 29, | " |
| | | April 3, | " |

TABLE—Continued.

| NAME OF CONVICT. | Date of Sentence. | Term. | Date of Pardon. | Crime. |
|-------------------------|----------------------|---------------|-----------------------------|--|
| Joseph Gray..... | April, 1856..... | 3 years..... | April 22, 1857..... | Receiving stolen property. |
| Marshall Chilson..... | November, 1858..... | 4 "..... | " 30, "..... | Grand larceny. |
| William N. Mills..... | April 24, 1857..... | 76 days..... | May 4, "..... | Petty larceny. |
| Samuel Dodd..... | May 15, 1857..... | 4 months..... | Committed to fine, June 16, | Receiving stolen goods. |
| Barney Doy..... | October, 1854..... | 3 years..... | June 26, 1857..... | Polygamy. |
| Kern McGinnis..... | December, 1854..... | 4 "..... | Aug. 15, "..... | Passing counterfeit money. |
| Perry W. Whitaker..... | September, 1856..... | 1 year..... | " 22, "..... | " " " " " " |
| Owen Glancy..... | December, 1847..... | 14 years..... | September 9, 1857..... | Robbery. |
| Margaret Lindsley..... | October, 1854..... | 5 "..... | " 8, "..... | Receiving stolen goods. |
| Sylvester M. Woods..... | September, 1855..... | 4 "..... | " 8, "..... | Stealing. |
| Stephen Fowler..... | December, 1854..... | 16 "..... | " 17, "..... | Assault and battery with intent to kill. |
| Richard Conner..... | 1857..... | 8 years..... | October " 1, "..... | Assault and battery. |
| John Jordan..... | October, 1851..... | 90 days..... | " 1, "..... | Larceny. |
| Adelbert Bldgett..... | October, 1854..... | 4 "..... | " 26, "..... | " " " " " " |
| William H. Parker..... | September, 1856..... | 2 "..... | " 26, "..... | Assault and battery with intent to main. |
| Richard Moffat..... | September, 1856..... | 2 "..... | " 26, "..... | " " " " " " |
| Francis Wells..... | May 1854..... | 10 "..... | November 2, "..... | Rape and assault to commit rape. |
| De Witt C. Horton..... | February, 1856..... | For life..... | " " "..... | Murder. |
| Martin Remington..... | December, 1853..... | 6 years..... | December 10, "..... | Burglary and larceny. |
| John Waterman..... | December, 1854..... | 8 "..... | " 19, "..... | Robbery. |
| Margaret Seabrook..... | September, 1857..... | 6 months..... | " 24, "..... | Keeping house of ill-fame. |
| James W. Petty..... | December, 1854..... | 10 years..... | " 24, "..... | Larceny. |
| Thomas Z. Taylor..... | June 22, 1857..... | 8 "..... | January 2, 1858..... | Highway robbery. |
| Mary Murnin..... | January, 1851..... | 20 years..... | " 3, "..... | Larceny. |
| Peter West..... | January, 1851..... | 2 "..... | " 3, "..... | Common prostitute. |
| Edward McCurric..... | May 1857..... | 2 "..... | " 3, "..... | Rape. |
| Joseph Stoddard..... | March, 1854..... | 3 "..... | February " 3, "..... | Larceny. |
| Willis Sperry..... | March, 1856..... | 6 "..... | " 16, "..... | Compound larceny. |
| Amos Ives..... | December, 1854..... | 3 "..... | " 16, "..... | Larceny and breaking jail. |
| Daniel Moynahan..... | January 4, 1858..... | 6 "..... | " 16, "..... | Larceny. |
| Catharine Moutree..... | January 4, 1856..... | 90 days..... | " 16, "..... | Malicious injury. |
| Henry Beck..... | October, 1854..... | 4 years..... | March " 16, "..... | " " " " " " |
| John Alsop..... | December, 1854..... | 7 "..... | " 16, "..... | Robbery. |
| John Murphy..... | October, 1852..... | 8 "..... | " 22, "..... | Larceny. |
| William Schilt..... | December, 1857..... | 6 months..... | April " 2, "..... | " " " " " " |
| John McQueen..... | ..... | 3 years..... | " 6, "..... | Burglary. |

| | | | | | |
|--------------------------|--------------------|-------------------|---------------|----------|---|
| Willis McAllister,..... | March, 1866, | 3 years, | April | 19 1868, | Having counterfeit money. |
| Isaac S. Allen,..... | December 24, 1857, | 6 months, | " | 24 " | Assault and battery. |
| Thomas Noonan,..... | March, 1864, | 6 years, | May | 8 " | Arson. |
| Robert Brown,..... | December, 1857, | " | " | 7 " | " |
| Robert Brown,..... | January 9, 1868, | 6 months, | " | 7 " | " |
| Silas J. Owen,..... | May, 1868, | 2 years, | " | 10 " | Threatening for the purpose of extorting money. |
| Alanson Harry,..... | September, 1857, | 3 " | " | 24 " | Larceny. |
| Joseph H. Hall,..... | May, 1857, | 1 year, | " | 24 " | " |
| Clark Matthews,..... | October, 1867, | 10 years, | " | 28 " | Assault and battery with intent to commit a rape. |
| Nathan Ward,..... | " | 7 " | June | 3 " | Raising counterfeit money. |
| George Rayno,..... | June, 1866, | 2 " | " | 28 " | Burglary and larceny. |
| Lewis W. Miller,..... | July, 1856, | 6 " | " | 12 " | Having counterfeit money. |
| David Griffith,..... | June, 1867, | 2 " | " | 28 " | Stealing. |
| John D. McIntyre,..... | April, 1867, | 5 " | " | 28 " | " |
| John E. Seal,..... | April, 1868, | 3 months, | " | 28 " | " |
| Samuel Bourcier,..... | May, 1856, | 5 years, | " | 28 " | " |
| John Sild,..... | March, 1868, | 2 years, | July 5, 1858, | " | Larceny. |
| Charles C. Wood,..... | January, 1867, | " | " | " | " |
| Nelson Knight,..... | January, 1856, | 20 years, | " | " | Incest. |
| Joseph Peel,..... | Full term, 1856, | " | " | " | Assault and battery. |
| Benjamin F. Tel,..... | June 16, 1868, | 40 days, | " | " | " |
| Peter Smith,..... | " | " | " | " | Violating city ordinance. |
| Charles A. Baker,..... | November, 1867, | 10 years, | " | " | Rape. |
| Martin Doty,..... | March, 1866, | 16 " | " | " | Incest. |
| Andrew Sutherland,..... | May, 1868, | 1 year, | " | 30 " | Assault and battery. |
| Francis Williams,..... | September, 1852, | " | Aug. 12, | " | " |
| Samuel Soaman,..... | December, 1866, | 5 years, | " | 30 " | Larceny. |
| Charles Jackson,..... | September, 1864, | 5 " | Sept. 13, | " | Bigamy. |
| James Hollibaek,..... | Sept. 1867, | 2 " | " | 27 " | Burglary. |
| Silas Johnson,..... | Sept. 1867, | 2 " | Oct. 4, | " | Bestiality. |
| Charles Stewart,..... | October, 1856, | 5 " | " | 11 " | Forgery. |
| Charles Legett,..... | October, 1856, | 3 " | " | 11 " | " |
| Thomas Matross,..... | December, 1857, | 3 " | " | 26 " | " |
| Thomas Matterson,..... | March, 1857, | 3 years 3 months, | " | " | Assault with intent to kill. |
| William Odell,..... | September, 1857, | 9 years, | Nov. 3, | " | Larceny. |
| William Kelly,..... | November, 1867, | 1 year, | " | 3 " | Assault and battery. |
| James Kelly,..... | " | 1 " | " | 3 " | Resisting an officer. |
| Andrew Kelley,..... | " | 1 " | " | 3 " | " |
| Samuel DeWolfe,..... | August 30, 1858, | 76 days, | " | 3 " | Assault and battery. |
| Gilbert R. Shays,..... | September, 1867, | 5 years, | " | 3 " | Burglary and larceny. |
| Hosea Reeves,..... | December, 1865, | 10 years, | " | 11 " | Arson. |
| Samuel P. Hart,..... | February, 1866, | 3 " | " | 11 " | Rape. |
| Richard B. Coleman,..... | June, 1857, | 3 " | " | 23 " | Forgery. |
| John Winters,..... | May, 1848, | For life, | " | 23 " | Murder. |

TABLE—Continued.

| NAME OF CONVICT. | Date of Sentence. | Term. | Date of Pardon. | Crime. |
|--|------------------------|---------------------|-------------------------|--|
| Charles B. Baker, | May, 1854, | 21 years, | Dec. 14, 1858, | Burglary. |
| James Weaver, | July, 1852, | 2 " | " 14 " | Burglary and larceny. |
| Rinaldo Baxter, | July, 1856, | 2 " | " 18 " | Having counterfeit money. |
| John Wilson, | April, 1857, | 2 " | " 21 " | Housebreaking and stealing. |
| Theodore Chilson, | December, 1857, | 3 years six months, | " 25 " | Secreting stolen goods. |
| Barney Riley, ..... | ..... | 3 years, | " 28 " | Attempt to commit sodomy. |
| Gov. MOSES WISNER, whose term of command Jan. 1859, and expired Dec. 1860, granted seventy-five Pardons, as follows: | | | | |
| Caroline Thompson, | October, 1854, | 5 years, | January 1, 1859, | Burglary. |
| Laurie Elliott, | " " 1856, | 5 " | " 28 " | " |
| Briget Murray, | December, | 6 " | March 28, 1859, | Larceny. |
| Eliza Chisholm, | " 1856, | 3 " | " 11 " | Receiving stolen goods. |
| Rebecca Galway, | November, 1855, | 8 " | " 12 " | " |
| John M. Gan, | September, 1858, | 2 " | " 16 " | Having counterfeit money |
| James E. Galt, | July, 1856, | 5 " | May 16, 1859, | " |
| Augustus Sisson, | June, 1858, | 3 " | " 31 " | Perjury. |
| George H. White, | 1858, | 2 " | " 31 " | Larceny. |
| Jeremiah Fisher, | September, 1857, | 2 " | " 31 " | Adultery. |
| Calvin Sackett, | September, 1856, | 2 " | June 2, 1859, | Murder in second degree. |
| John Bager, | 1858, | 10 years, | " 3 " | Burglary and Larceny. |
| William Carey, | December, 1856, | 15 " | " 4 " | Murder in second degree. |
| John Chasley, | December, 1857, | 7 " | " 21 " | Assault and battery with intent to murder. |
| Daniel F. Scofield, | June, 1857, | 4 " | " 27 " | Larceny. |
| John I. Brooks, | January, 1859, | 15 years, | " 30 " | Burglary. |
| Smith A. Ellis, | May 1856, | 5 " | July 28, 1859, | Larceny. |
| James Scott, | 1858, | 60 days, | August 12, 1859, | Assault and battery. |
| Peter Herbert Shiemer, | June, 1859, | 10 years, | " 17 " | Murder in the 1st degree. |
| De Witt C. Horton, | April, | 4 " | " 22 " | Perjury. |
| Frederick D. Beardsley, | December, 1856, | 10 years, | October 12, 1859, | Passing counterfeit money. |
| William Harman, | June, 1858, | 3 " | " 16 " | Burglary. |
| Frank Fox, | June, 1857, | 15 " | " 21 " | Larceny. |
| John Drennan, | June, 1857, | 4 1/2 " | " 22 " | Grand larceny. |
| Samuel Decker, | December, 1857, | 10 " | " 23 " | Crime against nature. |
| William Barrows, | September, 1857, | 3 " | November 7, 1859, | Perjury. |
| George Harting, ..... | ..... | ..... | ..... | ..... |
| Israel Vail, ..... | ..... | ..... | ..... | ..... |

| | | | | |
|---------------------------|-----------------------|----------------|-------------------------|---|
| George Munger,..... | October, 1858,..... | 2 years,..... | November 7, 1859,..... | Aiding person to break jail. Larceny. |
| Harmon Munger,..... | September, 1857,..... | 3 "..... | " "..... | " |
| James Knags,..... | June, 1858,..... | 2 "..... | " "..... | " |
| Peter Robinson,..... | June, 1858,..... | 3 "..... | January, 20 1860,..... | Larceny. |
| Norton Patterson,..... | June, 1858,..... | 3 years,..... | " "..... | Grand larceny. |
| William Yost,..... | September, 1857,..... | 3 "..... | " "..... | Burglary and larceny. |
| Oliver P. Wolcott,..... | June, 1858,..... | 4 "..... | February 17, 1860,..... | Larceny. |
| Jacob Hamilton,..... | December, 1858,..... | 5 "..... | " "..... | Rape. |
| Henry W. Cronkite,..... | June, 1860,..... | 4 "..... | March 23, 1860,..... | Larceny. |
| William Simmons,..... | February, 1859,..... | 3½ "..... | " "..... | Perjury. |
| Benjamin Oldfield,..... | October, 1857,..... | 5 "..... | April 6, 1860,..... | Assisting persons to break jail. |
| Alligense B. Monroe,..... | September, 1858,..... | 2 "..... | " "..... | Larceny. |
| E. F. Gilbert,..... | August, 1858,..... | 3 "..... | " "..... | Assault. |
| Rachel Decker,..... | June, 1858,..... | 5 "..... | " "..... | Larceny. |
| Isaac Burgher,..... | July, 1859,..... | 1 "..... | " "..... | " |
| Mary O. Donnell,..... | March, 1858,..... | 10 "..... | " "..... | Having counterfeit money in possession with [intent to pass. |
| John W. Barnes,..... | June, 1857,..... | 7 "..... | May 8, 1860,..... | Burglary. |
| Henry Reinhart,..... | March, 1852,..... | 10 "..... | " "..... | " |
| Peter Shaw,..... | October, 1858,..... | 2 "..... | June 6, 1860,..... | " |
| James Reed,..... | June, 1857,..... | 7 "..... | " "..... | Passing counterfeit bank bills. |
| John Braden,..... | February, 1859,..... | 3 "..... | " "..... | Murder in the second degree. |
| Thomas Robinson,..... | December, 1856,..... | 7 "..... | " "..... | Manslaughter. |
| William Gleason,..... | " "..... | 7 "..... | " "..... | La ceny. |
| Warren M. Owen,..... | September, 1859,..... | 5 "..... | July 4, 1860,..... | Burglary. |
| Henry Kent,..... | June, 1859,..... | 2 "..... | " "..... | " |
| Michael Quick,..... | October, 1857,..... | 1½ "..... | " "..... | Highway robbery. |
| Nelson W. Sheppard,..... | January, 1859,..... | 6 "..... | August 2, 1859,..... | Burglary. |
| Alexander Officer,..... | July, 1860,..... | 2 years,..... | " "..... | Assault and battery. |
| Charles Gaminski,..... | March, 1860,..... | 3 "..... | " "..... | Burglary. |
| Bradford Reynolds,..... | February, 1860,..... | 2 "..... | " "..... | Burglary. |
| John R. Scott,..... | November, 1859,..... | 3 "..... | September 2, 1860,..... | Larceny. |
| Ann Welch,..... | June, 1857,..... | 4 "..... | " "..... | Passing counterfeit money. |
| Peter Reasouer,..... | April, 1857,..... | 5 "..... | " "..... | " |
| Henry Bailey,..... | September, 1860,..... | 6 years,..... | October 1, 1860,..... | Assault with intent to kill. |
| Darius N. Keep,..... | March, 1859,..... | 20 "..... | " "..... | Larceny. |
| George Anderson,..... | April, 1857,..... | 2½ "..... | November 14, 1860,..... | Having in possession counterfeit money with in- [tent to pass. |
| Charles Calkins,..... | January, 1860,..... | 3 "..... | " "..... | Shooting one McD-nald. |
| John Deepfinger,..... | May, 1860,..... | 5 "..... | " "..... | Assault and battery. |
| C. H. Sadler,..... | December, 1858,..... | 4 months,..... | December 1, 1860,..... | Larceny. |
| Samuel Scott,..... | 1860,..... | 2 years,..... | " "..... | Passing a forged check knowingly. |
| Allen R. Walker,..... | September, 1859,..... | 8 "..... | " "..... | " |
| William Antrim,..... | September, 1859,..... | 2 "..... | " "..... | " |
| Robert H. Monroe,..... | September, 1859,..... | 2 "..... | " "..... | " |

TABLE—Continued.

| NAME OF CONVICT. | Date of Sentence. | Term. | Date of Pardon. | Crime. |
|--|----------------------|-------------------|------------------------|---|
| Francis Luner..... | July, 1856..... | Natural Life..... | December 14, 1860..... | Burglary. |
| Samuel Follen..... | August, 1859..... | 4 years..... | " 21, "..... | Larceny. |
| Gov. AUSTIN BLAIR, whose term of office commenced Jan., 1861, and expired Dec., 1864, granted one hundred and sixty-six pardons, as follows: | | | | |
| William Hardy..... | October, 1859..... | 3 years..... | January 3, 1861..... | Having in poss'n count'n money with intent to pass. |
| Allen Parker..... | April, 1856..... | 15 "..... | " 15, "..... | Assault and battery with intent to commit a rape. |
| Thomas Smith..... | March, 1856..... | 2 "..... | " 15, "..... | Burglary and larceny. |
| Walter Wall..... | January, 1859..... | 5½ "..... | February 22, 1861..... | Larceny. |
| Andrew J. Howard..... | April, 1857..... | 5 "..... | March 13, 1861..... | Assault and battery with intent to murder. |
| Edward Coulton..... | April, 1857..... | 5 "..... | March 13, 1861..... | Larceny. |
| Charles Boetwick..... | October, 1859..... | 7 years..... | " 22, "..... | Assault and battery with intent to murder. |
| Alanson E. Norton..... | March, 1856..... | 7 "..... | April 5, 1861..... | Incest. |
| Lorenzo D. Whipple..... | April, 1856..... | 7 "..... | " 5, "..... | Having in poss'n count'n coin with intent to pass. |
| Emma Fuller..... | August, 1858..... | 6 years..... | " 9, 1861..... | Prostitution. |
| Joseph Williams..... | August, 1858..... | 6 years..... | " 13, "..... | Larceny. |
| Ell W. Kitchen..... | January, 1861..... | ..... | " 22, "..... | Burglary and assault with intent to murder. |
| Samuel Smith..... | December, 1860..... | 3 years..... | " 23, "..... | " " " " " " |
| Francis F. Moore..... | January, 1860..... | 4 "..... | May 2, 1861..... | Bigamy. |
| Henry Panacott..... | September, 1856..... | 7 "..... | " 2, "..... | Receiving stolen property knowing it to be stolen. |
| Benjamin Patterson..... | January, 1860..... | 4 "..... | " 9, "..... | Assault and battery with intent to murder. |
| David Dixon..... | January, 1860..... | 4 "..... | " 10, "..... | Receiving stolen goods knowing them to be stolen. |
| John Waterman..... | December, 1864..... | 8 years..... | May 18, 1861..... | Robbery. |
| Asa P. Moorman, Jr.,..... | May, 1859..... | 10 "..... | " 23, "..... | Burglary and Larceny. |
| John A. McVair..... | July 1857..... | 6 "..... | July 8, "..... | Arson. |
| Seth T. Hall..... | July 1857..... | 6 "..... | " 10, "..... | Passing counterfeit gold coin. |
| Harious Chapman..... | June, 1859..... | 3 "..... | " 16, "..... | Burglary and larceny. |
| James Garay..... | July 1856..... | 10 "..... | " 16, "..... | Bracking and entering a house, and attempting to [scal therein. |
| James Aldrax..... | November, 1858..... | 12 "..... | " 16, "..... | Larceny. |
| Father Fuller..... | April, 1857..... | 10 "..... | " 16, "..... | " " " " " " |
| Daniel S. Graham..... | May, 1859..... | 3 "..... | Aug. 26, "..... | Grand larceny. |
| El Greory..... | September, 1860..... | 4 "..... | September 6, 1861..... | Arson. |
| Jacob Martin..... | October, 18..... | For life..... | " 6, "..... | Malicious trespass. |
| Andrew Sutherland..... | February, 1861..... | 1 year..... | " 6, "..... | Murder in the second degree. |

| | September, 1859, | 90 days, | September 10, 1861, | Petit larceny |
|-----------------------|------------------|-----------|---------------------|--|
| Maria Murphy, | September, 1859, | 90 days, | " 17, " | Assault and battery. |
| Henry Thompson, | December, | " | " | Larceny. |
| Thomas H. Wheeler, | March, 1860, | 6 years, | " 24, " | Burglary. |
| Walter W. Cartwright, | December, | 6 " | October, 6 " | Burglary and larceny. |
| Hiram Ackley, | " | 6 " | October, 19 " | Passing counterfeit bill. |
| Edward A. Jones, | September, 1857, | 6 " | November 19, 1861, | Obtaining goods under false pretences. |
| Lorenzo Clark, | February, 1859, | 5 years, | " 20, " | Placing an impediment on R. R. track. |
| Elisha Wait, | May, 1860, | 6 " | " 20, " | Incest. |
| Joel Rabideaux, | April, 1858, | 6 " | " 20, " | Assault and battery. |
| Francis Cardinal, | May, 1861, | 1 " | " 20, " | Assault and robbery. |
| George Charles, | " 1853, | 10 " | January 28, 1862, | Larceny. |
| William H. Wheeler, | January, 1860, | 4 " | February 17, " | Seduction. |
| James L. Lushbaugh, | February, 1861, | 2 1/2 " | " 20, " | Incest. |
| Stephen A. Cane, | June, 1855, | 15 " | " 28, " | Larceny. |
| Louis Johnson, | February, 1860, | " | March 18, 1862, | " |
| Dennis Daly, | August, 1861, | 6 years, | " 23, " | Arson. |
| William Oatley, | " 1868, | 6 " | " 26, " | Highway robbery. |
| Daniel D. Tompkins, | August, 1859, | 6 " | May 10, " | Assault and battery. |
| Bezael Shippy, | April, 1855, | 15 " | June 12, " | Burglary. |
| Patrick Kverston, | December, 1856, | 5 1/2 " | " 12, " | Larceny. |
| William H. Logan, | October, | 7 " | " 13, " | Forgery. |
| Norman Dexter, | March, 1861, | 2 1/2 " | " 27, " | Assault and battery. |
| Harvey Loveland, | " | 2 1/2 " | July 7, " | Burglary and larceny. |
| May, 1857, | " | 3 months, | Aug. 11, " | Assault and battery. |
| Luther Goodwin, | May, 1862, | 15 years, | Sept. 25, " | Murder in the 2d degree. |
| Caroline Decker, | June, 1862, | " | October 3, 1862, | Burglary. |
| Nathan Moore, | April, 1856, | " | " | Arson. |
| Henry Mills, | July, 1857, | 10 years, | October 3, 1862, | Rape. |
| Stephen Sharp, | " | 10 " | " 8, " | Manslaughter. |
| Samuel F. Cook, | " | 10 " | " 20, " | Manslaughter. |
| John H. Coe, | December, 1859, | 5 years, | " 20, " | Arson. |
| Hiram Sischo, | " 1856, | 10 " | " 28, " | Assault and battery with intent to murder. |
| Albert Hall, | March, 1852, | 2 " | November 7, 1862, | Perjury. |
| Charles O. Arnold, | June, 1857, | 2 " | " 12, " | Burglary. |
| Rush M. Greenfield, | October, 1859, | 15 " | " 19, " | Assault with intent to murder. |
| Darwin N. Patterson, | " 1857, | 5 " | " 24, " | Assault and battery with intent to murder. |
| Thomas Fryer, | September, 1859, | 7 " | " | Larceny. |
| Julius Seeley, | February, 1862, | 2 " | " | Grand larceny. |
| William Alpin, | September, 1862, | 90 days, | " | |
| John Riley, | October, 1857, | 10 years, | " | |
| James Ramsay, | March, 1860, | 6 " | " | |
| Judith Irish, | " | 5 " | " | |
| Joseph B. Rowland, | August, 1858, | 5 " | " | |
| Margaret Young, | March, 1861, | 2 " | " | |

TABLE—Continued.

| NAME OF CONVICT. | Date of Sentence. | Term. | Date of Pardon. | Crime. |
|---------------------------|----------------------|---------------|------------------------|---|
| Robert Hundemaker..... | May, 1861..... | 3 years..... | December 2, 1862..... | Larceny. |
| John Langdon..... | April, 1856..... | 15 "..... | " "..... | Burglary and larceny. |
| John Enydman..... | December, 1859..... | 60 days..... | " "..... | Assault and battery. |
| Edward Manning..... | December, 1859..... | 8 years..... | " 6..... | Larceny and perjury. |
| James Collins..... | —, 1862..... | 6 months..... | " 12..... | Assault and battery. |
| Charles Anderson..... | —, 1862..... | 6 months..... | " 12..... | Assault and battery. |
| Levi Classon..... | May, 1861..... | 2 years..... | " 24..... | Obtaining goods by false pretenses. |
| George Hundricks..... | September, 1861..... | 2 "..... | " 29..... | Stealing in an office in the day time. |
| William Henry Warren..... | November, 1862..... | 2 "..... | January 19, 1863..... | Adultery. |
| Peter Higgins..... | June, 1859..... | 30 "..... | March 3..... | Burglary and larceny. |
| Robert Fuller..... | —, 1862..... | 3 years..... | " 25..... | Adultery. |
| William Fay..... | February, 1862..... | 3 years..... | " 25..... | Adultery. |
| Nathaniel McOmber..... | June, 1861..... | 8 "..... | April 15..... | Robbery. |
| George White..... | April, 1858..... | 10 "..... | " 15..... | Arson. |
| Edmund I. Bobier..... | —, 1862..... | 10 "..... | " 22..... | Assault and battery. |
| William Bobier..... | March, 1863..... | 75 days..... | " 30..... | Forgery. |
| D. G. Quinn..... | April, 1857..... | 8 years..... | " "..... | Murder in 2d degree. |
| John Cook..... | April, 1857..... | 12 "..... | June 3..... | Polygamy. |
| Cornelius Jackson..... | M.Y. 1862..... | 3 "..... | " 19..... | Malicious destruction of personal property. |
| Sidney B. Bean..... | June 1862..... | 2 "..... | " 19..... | Rape. |
| George Elliott..... | " 1855..... | 15 "..... | July 7..... | Uttering and passing counterfeit bank bills. |
| James S. Hanford..... | July, 1856..... | 10 "..... | August 8..... | Larceny. |
| Benajah D. Seaman..... | September, 1860..... | 6 "..... | " 29..... | Arson. |
| Michael Dougherty..... | June, 1859..... | 5 "..... | " "..... | Entering a shop with intent to commit a felony. |
| Edgar A. Brundage..... | July, 1858..... | 15 "..... | " "..... | " "..... |
| Edgar M. Bartoe..... | " 1863..... | 10 "..... | September 8..... | Assault and battery. |
| John Jero..... | —, 1862..... | 3 months..... | " 8..... | Seduction. |
| Benjamin Ganson..... | May, 1862..... | 3 years..... | " 17..... | Embezzlement. |
| John McKinney..... | June, 1862..... | 7 "..... | " 17..... | Burglary. |
| Peter Jordan..... | —, 1866..... | 10 years..... | September 3, 1863..... | Larceny. |
| Charles W. Barner..... | September, 1861..... | 10 "..... | October 23..... | Receiving stolen goods knowing them to be stolen. |
| Henry Thompson..... | August, 1861..... | 3 "..... | " 23..... | Burglary and assault. |
| Harley Staley..... | July, 1857..... | For life..... | " "..... | Burglary. |
| David Campbell..... | August, 1860..... | 5 years..... | November 3..... | Keeping a house of ill fame. |
| Dewitt C. Anderson..... | May, 1863..... | 8 months..... | " 7..... | Burglary. |
| John L. Green..... | February, 1863..... | —..... | " 19..... | Burglary. |

| | | | | |
|------------------------------------|-----------------|-----------|--------------------|---|
| William Scrimshaw | May 1862 | 15 years | November 20, 1863 | Murder in the 2d degree. |
| Patrick Haggerty | September, 1860 | 4 " | December 4, " | Having in his possession a counterfeit bill with intent to pass the same. |
| William Williams | January, 1860 | 16 " | " 18, " | Assault and battery with intent to murder. |
| Thomas Saul | May, 1863 | 3 " | " 24, " | Passing a counterfeit bank bill knowing the same to be counterfeit. |
| John Willson and Catherine Willson | November, 1863 | 6 months | December 28, 1863 | Assault and battery. |
| Anson A. Fuller | June, 1860 | 5 years | January, 23, " | " |
| James Williams | September, 1862 | 2½ years | February 22, " | Burglary and larceny. |
| August Becker | June, 1868 | 16 " | March, 17, " | Burglary. |
| Frank Wetz | March, 1857 | 12 years | " 24, " | Feloniously entering a dwelling house in the night [time being armed. |
| George Hervey | January, 1863 | Life | " 27, " | Burglary. |
| Brigget Matlows | December, 1864 | 3 years | April 6, " | Manslaughter. |
| George Hervey | October, 1861 | 36 " | " 7, " | Burglary. |
| William Hicks | May, 1861 | 6 " | May, 13, " | Incest. |
| John Stone | March, 1863 | 8 " | " 16, " | Assaulting a counterfeit bank bill. |
| Henry B. Farrington | June, 1861 | 2 " | " 19, " | Murder in the 2d degree. |
| Allen J. Hartinge | December, 1859 | 10 " | " 20, " | Robbery. |
| Swanton Bateman | March, 1863 | 10 " | " 29, " | Larceny. |
| Edwin Bolles | " 1864 | 6 months | June 2, " | Assault. |
| Thomas Burrows | May, 1864 | 75 days | " 16, " | Petit Larceny. |
| Thaddeus W. Emmons | February, 1861 | 14 years | " 17, " | Manslaughter. |
| Benoni Hays | November, 1859 | 6 " | " 22, " | Passing counterfeit bills. |
| Bartholomew Lineham | " 1863 | 8 years | July 12, " | Larceny. |
| Richard Betallick | June, 1860 | 10 " | " 13, " | Assault with intent to murder. |
| James P. Hannah | February, 1860 | 40 " | " 23, " | Burglary and larceny. |
| Edward Erinhart | June, 1858 | 40 " | " 26, " | Burglary. |
| John Waddell | July, 1864 | 90 days | August 1, " | Burglary and assault with intent to commit rape. |
| James Scott | October, 1859 | For life | " 5, " | Arson. |
| Albert Jones | June, 1862 | 3 years | " 16, " | Burglary and Larceny. |
| George W. Rosier | January, 1860 | 16 " | " 22, " | Keeping a house of ill fame. |
| James M. Thurston | September, 1861 | 7 " | August 25, " | Grand Larceny. |
| William Cartwright | June, 1860 | 9 " | " 29, " | Burglary and larceny. |
| Hugh Duffee | October, 1862 | 10 months | " 14, " | Passing counterfeit bills. |
| Mary Bush | May, 1864 | 3 years | September 14, 1864 | Assault with intent to murder. |
| John Cahoan | August, 1862 | 5 " | " 26, " | Murder. |
| George Martin | February, 1863 | 5 years | " 26, " | Assault with intent to murder. |
| Thomas H. Barney | May, 1861 | For life | " 26, " | Assault with intent to commit rape. |
| Patrick Dailey | August, 1862 | 5 years | " 26, " | Assault with intent to murder. |
| John Powers | October, 1857 | For life | " 26, " | |
| Daniel Misner | June, 1861 | 5 years | " 26, " | |
| James Johnson | March, 1858 | For life | " 26, " | |

TABLE—Continued.

| NAME OF CONVICT. | Date of Sentence. | Term. | Date of Pardon. | Crime. |
|--|------------------------|----------------|------------------------|--|
| Foster Mosely, | June, 1863, | 2 years, | October 3, 1864, | Larceny. |
| John Lee, | December, 1862, | 5 " | 13, " | " |
| Silas Babcock, | January, 1861, | 7 " | 26, " | Assault with intent to murder. |
| Alva Wilson, | March, 1859, | 15 " | November 18, " | Arson. |
| Judson W. Burdick, | September, 1864, | 7 years, | 26, " | Forgery. |
| John Henry, | April, 1864, | 5 " | December 2, " | Burglary and larceny. |
| Barney Bailey, | July, 1863, | 6 " | " 5, " | Burglary. |
| Dayton, George, | May, 1857, | 12 " | " 12, " | Burglary and larceny. |
| William Smith, | April, 1860, | 15 " | " 13, " | Placing obstructions on railroad track. |
| Abram VanCuen, | March, 1860, | 15 " | " 22, " | Assault with intent to murder. |
| Horatio Cummings, | May, 1860, | 7 " | " 22, " | Rape. |
| Gov. HENRY H. CRAPO, whose term of office commenced January, 1865, has granted seventeen pardons to date of June 12, 1867. | | | | |
| Asa Loevenberg, | March, 1864, | 7 years, | January 6, 1865, | Burglary. |
| Michael Scallion, | August, 1864, | 7 " | March 24, 1865, | Robbery. |
| Cordelia Hay, | November, 1864, | 2 years, | April 28, " | Conveying a file into the jail with intent to assist a prisoner to escape. |
| Elizabeth Hills, | " | 2 years, | October 6, " | Larceny. |
| Nicholas Luscomb, | June, 1864, | 3½ " | " 11, " | " |
| William Smith, | August, 1863, | 10 " | Dec. 9, " | Forgery. |
| William J. Brown, | October, 1864, | 3 " | Jan. 20, 1866, | Larceny. |
| Thomas Dooley, | May, 1866, | 80 days, | June 6, " | Assault and battery. |
| George Wilkinson, | " | 90 " | July 3, " | " |
| Gustavus DeCastor, | June, 1866, | 90 " | " 16, " | Simple larceny. |
| Baldwin Diamond, | October, 1865, | 2 years, | Aug. 20, " | Passing counterfeit money. |
| James O'Conner, | " | 10 " | Dec. 3, " | An attempt at robbery. |
| David M. Gault, | January, 1867, | 30 days, | Feb. 12, 1867, | Disorderly conduct. |
| Henry B. Cleveland, | March, 1864, | Life, | " 20, " | Murder. |
| John Nelson, | February, 1867, | 1 year, | April 22, " | Larceny. |
| Mary Haywood, | " | 1 " | June 12, " | " |

MOTIONS AND RESOLUTIONS.

Mr. Lawrence offered the following resolution, which was adopted:

Resolved, That the Agent of the State Prison be instructed to report to this Convention the number of persons sentenced to States Prison for the crime of murder, in the first degree; how many of the same have been allowed to labor; how many have become insane, and how many have been pardoned.

Mr. Case offered the following resolution, which was adopted:

Resolved, That the Superintendent of Public Instruction be requested to furnish to this Convention, at his earliest convenience, a statement of the whole number of children in this State of school age, together with the average length of time schools are taught, and the average attendance; also, what changes, if any, in the Constitution are necessary to secure a more uniform attendance of pupils in the primary schools.

Mr. Lovell offered the following resolution, which was adopted:

Resolved, That the Manual of the Convention ordered June 13th instant, contain the names, ages, whether married or single, nativity, residence, and postoffice address and business of the officers and members of the Convention.

On motion of Mr. T. G. Smith,

The Convention went into committee of the whole on the general order,

Mr. D. Goodwin in the chair.

IN COMMITTEE OF THE WHOLE.

Article —, entitled "Executive Department," being under consideration,

Mr. Pringle moved to insert the word "chief," before the word "executive," in the first line of section 1;

Which was not agreed to.

Mr. Van Riper moved to amend section 1 by striking out the word "four," in the first line of section one, and inserting the word "two," in lieu thereof; also to strike out all of the second line and the words "have expired," in the third line.

Which motion prevailed.

Mr. Holt moved to strike out the word "the," in the first line of section one, before the word "Governor," and insert in lieu thereof, the letter "a;"

Which motion prevailed.

Mr. Sutherland moved to amend section 1, by inserting at the end of the first line, the words "and shall reside at the seat of Government;"

Which motion did not prevail

Mr. Estee moved to amend section 2, by striking out the words "twenty-five," and inserting in lieu thereof the words "thirty-five;"

Which motion did not prevail.

Mr. Farmer moved to amend the same section, by striking out all after the word "election;"

Which motion did not prevail.

Mr. Holt moved to amend section 3, by striking out all after the word "Legislature," in the second line, and inserting in lieu thereof the following words: "The person having the greatest number of votes for Governor and Lieutenant Governor, shall be elected to such offices respectively;

Which motion did not prevail.

Mr. Chapin moved that the committee rise, report progress, and ask leave to sit again;

Which motion prevailed.

IN CONVENTION.

The committee, through the chairman, submitted the following report:

The committee of the whole have had under consideration Article —, entitled "Executive Department;"

Have made some progress therein, but not having gone through therewith, have directed me to report that fact to the Convention, and ask leave to sit again.

D. GOODWIN, *Chairman.*

The report was accepted, and leave granted the committee to sit again.

Mr. Alexander moved to adjourn;

Which motion did not prevail.

Mr. Leach moved to take a recess until 3 o'clock;

Which motion prevailed.

AFTERNOON SESSION.

3 o'clock P. M.

The Convention was called to order by the President.

Roll called: a quorum present.

On motion of Mr. Lovell,

The Convention went into committee of the whole on the general order,

Mr. D. Goodwin in the chair.

IN COMMITTEE OF THE WHOLE.

The committee resumed the consideration of the article entitled "Executive Department."

The pending question being on section 4,

Mr. Miles moved to amend by striking out the word "to," after the word "law;" also the word "to," before the word "repeal," in the second line.

Mr. Stoughton moved to amend the amendment of Mr. Miles by striking out the word "and," after the word "insurrection," in the second line, and add to the end of the line the words "and to supply requisitions of the general government;"

Which was not agreed to.

The amendment offered by Mr. Miles was not agreed to.

Mr. Lamb moved to amend section 4, by striking out all after the word "forces," in the first and second lines;

Which motion did not prevail.

Mr. Pringle moved to amend section 5, by inserting after the word "he," in the first line, the following words: "shall transact all necessary business with the Government of the United States, and."

After some debate the amendment was withdrawn.

Mr. Lovell moved to amend section 11, by striking out the words, "relative to the manner of applying for pardons."

The amendment was not adopted.

Mr. Williams moved to amend section 11, by adding thereto the following: "*Provided, however,* That the Legislature may by law constitute a council, to be composed of officers of State, without whose advise and consent the Governor shall not have power to grant pardons in any case, except such as may by law be left to his sole power;"

Which motion did not prevail.

Mr. P. D. Warner moved to amend section 11 by striking out the words "treason and," in the second line, and also all after the word "pardons," in the fourth line to and including the word "reprieve," in the seventh line;

Which motion did not prevail.

Mr. Blackman moved to strike out section 12:

Mr. Alexander moved to amend the section by inserting after the word "officer," and before the word "except," where it occurs the second time, in the second line of the section, as follows: "upon conviction by a proper court for gross neglect of duty, or for corrupt conduct in office, or any other misfeasance or malfeasance therein;" also, to strike out the words "appoint a successor," in the fourth line of the section, and insert the words "issue a writ of election for the election of a successor by the people;"

Pending which,

Mr. Chapin moved that the committee rise, report progress, and ask leave to sit again;

Which motion prevailed.

IN CONVENTION.

The committee, through the chairman, submitted the following report:

The committee of the whole have had under consideration Article —, of the Constitution, entitled "Executive Department;"

Have made some progress therein, but not having gone through therewith, have directed me to report that fact to the Convention, and ask leave to sit again.

D. GOODWIN, *Chairman.*

The report was accepted.

Leave was granted the committee to sit again.

Mr. Chapin moved that the Convention adjourn until Monday at 10 o'clock A. M.;

Which motion prevailed.

TWENTY-FIFTH DAY.

Lansing, Monday, June 17, 1867.

The Convention was called to order by the President, at 10 o'clock A. M.

Prayer by Rev. Mr. Hickox.

Roll called: a quorum present.

Absent without leave, Messrs. Daniells, Haire, Henderson, McKernan, Pringle and Walker.

Mr. Willard asked and obtained leave of absence for Mr. Henderson, for to-day.

Mr. P. D. Warner asked and obtained leave of absence for Mr. McConnell, until to-morrow.

Mr. Burtenshaw asked and obtained leave of absence for Mr. McKernan, until to-morrow.

Mr. Holt asked and obtained leave of absence for Mr. Daniells, for to-day.

PRESENTATION OF PETITIONS.

By Mr. Longyear: petition of F. R. Read, A. R. Burr, O. A. Jenison, Chas. W. Butler and A. J. Viele, and 25 other citizens of Lansing, Michigan, that the Constitution be so formed as to effectually stop the manufacture, sale or use of distilled spirits in the State; also to declare them a nuisance, without value,

and authorize the seizure and destruction of the same wherever found within the State.

Referred to the committee on intoxicating liquors.

By Mr. Sawyer: petition of Jeremiah Brown and 9 other men, and Esther Roberts and 10 other women, citizens of Lenawee county, praying for equal suffrage to men and women.

Referred to the committee on elections.

By Mr. Utley: petition of Rev. J. Boynton, E. D. Richmond, N. C. Hyde and 72 others, citizens of Oceana county, praying that section 47, article 4, of the present Constitution, may be retained in the new one;

By the same: petition of Charles Mears, Henry C. Flagg, F. W. Ratzell, James Crosby, Dr. O. A. Vincent and 69 other citizens of Pentwater, Oceana county, praying that any person who shall sell any intoxicating beverage, or shall be an habitual user of the same, shall upon conviction thereof, be prohibited from holding any civil office or exercising the rights of the elective franchise, until pardoned by the Governor.

Referred to the committee on intoxicating liquors.

By Mr. Harris: petition of Mrs. Elvira Nash, Mrs. Charlotte Richardson, Mrs. H. Bennet, and 87 other citizens of Avon, Oakland county, in favor of prohibiting the manufacture and sale of intoxicating liquors;

By the same: petition of Joshua Van Hoozen, Wm. Bradley, Richard Beal, and 41 other citizens of Avon, Oakland county, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. Yeomans: petition of Wm. H. Woodworth and 31 other citizens of Lyons, Ionia county, praying that section 47, article 4, of the old Constitution may be retained in the new;

By the same: petition of Dr. E. Fish, Lewis Ellis, A. H. Russell, L. C. Fales, E. D. Ellis, and 115 other citizens of the township of Otisco, Ionia county, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. Ferris: petition of Charles B. Skellenger and 46 others, of Ada, Kent county, praying for prohibition;

By the same: petition of F. Harris and 23 others, of Ionia county, on the same subject.

Referred to the committee on intoxicating liquors.

COMMUNICATIONS FROM STATE OFFICERS.

The President announced the following:

MICHIGAN SOLDIERS' MONUMENT ASSOCIATION, }
Detroit, June 13th, 1867.

Hon. CHAS. M. CROSWELL, *President Constitutional Convention, Lansing:*

SIR—I have the honor on behalf of the executive committee of the Michigan Soldiers' Monument Association, to hereby most respectfully and cordially invite the distinguished body over whom you have the honor to preside, to be present on the occasion of laying the corner stone of the monument, to take place in this city on the fourth of July next ensuing.

The committee, believing that the Honorable gentlemen composing the Convention are all highly interested in the monument undertaking, their acceptance is most earnestly desired, and their presence on the occasion hopefully expected.

Most respectfully,

Your very obedient servant,

JNO. ROBERTSON,

Adjutant General,

Chairman of Committee on Arrangements.

The communication was laid on the table, and ordered printed at large in the journal.

MOTIONS AND RESOLUTIONS.

On motion of Mr. Mussey,

The Convention went into committee of the whole,

Mr. D. Goodwin in the chair.

IN COMMITTEE OF THE WHOLE

The committee resumed the consideration of the article entitled "Executive Department."

The question being on the motion of Mr. Alexander to amend section twelve,

Mr. Aldrich moved that the committee recommend that section twelve be referred to the committee on impeachment;

Which was not adopted.

Mr. Lovell moved that the committee rise, report section 12 back to the Convention, with the recommendation that the section be referred to the committee on impeachment, report progress as to the remainder, and ask leave to sit again;

Which motion did not prevail.

Mr. Alexander withdrew his amendment.

Mr. Willard moved to amend as follows: add at the close of section 12 the words, "and the Legislature shall proceed to investigate said cause, and if found insufficient, such officer shall be reinstated for the unexpired portion of his term;" and also strike out the words "then at its next session and," and insert in place thereof, "he shall convene the same."

The amendment was not adopted.

Mr. T. G. Smith moved to amend by striking out section 12, and inserting in lieu thereof, as follows:

Sec. 8. He shall give the Legislature, and at the close of his official term, to the next Legislature, information by message, of the condition of the State, and recommend such measures to them as he shall deem expedient.

After some debate the amendment was withdrawn.

Mr. Birney offered the following amendment:

Insert in line 4th, after the word "removal," "in case of suspension to appoint a deputy, or removal to appoint a successor for the remainder of the term."

Mr. Longyear moved the following substitute:

"The Governor shall have the power and it shall be his duty to examine into the condition of any State office and the act of any State officer, and to suspend such officer, except a judge or member of the Legislature, for gross neglect of duty or for corrupt conduct in office, or any misfeasance or malfeasance therein, and to make a provisional appointment to fill the va-

cancy occasioned thereby, and report the cause of such suspension to the Legislature if in session, and if not, then at the commencement of the next session thereof; and the Legislature shall proceed to investigate such cause, and if found insufficient, such officer shall be re-instated for the unexpired portion of his term."

The amendment of Mr. Birney was withdrawn.

Mr. Longyear's substitute was then adopted.

Mr. Shearer moved that the committee rise, report progress, and ask leave to sit again;

Which motion was not agreed to.

Section 13 being under consideration,

Mr. Stoughton moved to strike out all after the word "ceases."

Mr. Ferris moved to amend the section by adding the words "except when such forces are mustered in the service of the United States;"

Pending which,

Mr. T. G. Smith moved that the committee rise, report progress and ask leave to sit again;

Which motion was agreed to.

IN CONVENTION.

The committee, through the chairman, submitted the following report:

The committee of the whole have had under consideration Article —, of the Constitution, entitled "Executive Department;"

Have made some progress therein, but not having gone through therewith, have directed me to report that fact to the Convention, and ask leave to sit again.

D. GOODWIN, *Chairman.*

The report was accepted.

Leave was granted the committee to sit again.

On motion of Mr. Lawrence,

The Convention took a recess until 3 o'clock.

AFTERNOON SESSION.

3 o'clock P. M.

The Convention was called to order by the President.

Roll called: a quorum present.

On motion of P. Dean Warner,

The Convention went into committee of the whole on the general order,

Mr. D. Goodwin in the chair.

IN COMMITTEE OF THE WHOLE.

The committee resumed the consideration of the Article entitled "Executive Department."

Mr. Ferris moved to amend section 13 by adding the words, "except when such forces are mustered into the service of the United States;"

Which did not prevail.

Mr. Willard moved to amend section 13 by striking out of line 4, the word "time of war," and insert in lieu thereof, "in the performance of duty;"

Which was not agreed to.

The question recurring on the amendment of Mr. Stoughton, It was agreed to.

Mr. Longyear moved to amend section 13 by inserting the following words, after the word "office" in the second line:

"Except those of commander-in-chief, in case of the absence of the Governor from the State at the head of a military force thereof."

The amendment was agreed to.

Mr. Ferris moved to amend section 14, by striking out the third and fourth lines, and inserting in lieu thereof the words "the Speaker of the House shall act as Governor until the disability shall cease;"

Which motion did not prevail.

Mr. Van Valkenburgh moved that section 15 be transposed so that the first part of the second sentence to and including the word "questions," shall be placed at the end of the section;

Which motion prevailed.

Mr. Stoughton moved to amend section 15 by adding thereto the following words:

“He shall be chairman of the Board of State Auditors, and shall perform such other administrator duties as may be prescribed by law;”

Which was adopted.

Mr. Miles moved to amend section 17 by the following words:

“No person during the time he holds the office of Governor or Lieutenant Governor, shall be eligible to any office or appointment from the Legislature, or either House thereof; all votes for either of them for any office shall be void;”

Which was not agreed to.

Mr. T. G. Smith moved to amend section 17 by striking out the words “Lieutenant Governor,” in line one, also “either of them” in line three, and insert in lieu thereof the word “him;”

Which did not prevail.

Mr. Williams moved that the committee rise, report the article and amendments back to the Convention, asking concurrence therein, and recommend its passage;

Which motion prevailed.

—
IN CONVENTION.

The committee, through the chairman, submitted the following report:

The committee of the whole have had under consideration Article — entitled, “Executive Department;”

Have made some sundry amendments thereto, and have directed me to report the same back to the Convention, asking concurrence therein and recommend its passage.

D. GOODWIN, *Chairman.*

Report accepted and committee discharged.

The question being on concurring in the amendments;
Pending which,

On motion of Mr. Lovell,

The Convention adjourned.

TWENTY-SIXTH DAY.

Lansing, Tuesday, June 18, 1867.

The Convention was called to order by the President at 9 o'clock A. M.

Prayer by Rev. Mr. Hickox.

Roll called: a quorum present.

PRESENTATION OF PETITIONS.

By Mr. Alexander: petition of Wm. Hasleltt, David Rough, Hiram Baker, Henry Vite, Benj. Franklin, Wm. R. Rough, Geo. G. Rough, Michael Swobe, A. Weaver, and 182 other legal voters of Berrien county, praying for an article in the new Constitution authorizing the Legislature to pass a license law for the sale of spirituous and malt liquors.

Referred to the committee on intoxicating liquors.

By Mr. Barber: petition of Hon. Chas. Upson, Hon. Geo. A. Coe, Hon. L. T. N. Wilson, Hon. D. B. Dennis, and 16 other members of the bar of Branch county, praying that a provision be made in the revised Constitution for the Governor and Senate to appoint the judges of the supreme and circuit courts.

Referred to the committee on the judicial department.

By Mr. Daniells: petition of Luther L. Gooch, Stephen Hill, Robert G. Mason, Watson Cronkite, and 22 other legal voters, and Olive Hill, Mrs. Cecelia A. Ide, Mrs. Mariah Mason, and 25 other women, all citizens of Clinton county, praying that suffrage be conferred equally upon men and women.

Referred to the committee on elections.

By the same: petition of Geo. W. Topping, M. D., Rev. D. P. Dorrance, Jonathan A. Sweet, P. M., Mrs. J. E. Bancroft, and 183 other citizens of DeWitt, Clinton county, praying that section 47, article 4, of the present Constitution, be retained in the new;

By the same: petition of Abram Vandyne, A. J. Hogle, Nancy Sherman, Anna Holbrook, and 93 other citizens of Clinton county, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. Estee: petition of Wm. R. Robbins, H. O. Bigelo, J. J. Upton, and 56 other legal voters of the county of Isa-

bella, asking that section 47, article 4, of the present Constitution, be retained in the new;

By the same: petition of James A. Maslin, A. Turney, Jacob Armstrong and 42 others, citizens and voters of the county of Isabella, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. Turner: petition of Hon. Charles Lock, Hon. Wm. P. Lang, Norman Green, and 174 other legal voters of the town of Perry, Shiawassee county, praying that a provision may be inserted in the new Constitution prohibiting the granting of licenses for the sale of intoxicating liquors.

Referred to the committee on intoxicating liquors.

By Mr. Yeomans: petition of Gen. Byron M. Cutcheon, Col. James H. Kidd, W. B. Wells, G. F. D. Wilson, A. B. Culver, and 20 other citizens of Ionia, praying that section 47, article 4, of the present Constitution, be retained in the new one;

By the same: petition of L. H. Colton, A. C. Savage, Norman Clark, Luther Carpenter, C. W. Reynolds, and 20 other citizens of the township of Easton, Ionia county, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. Van Riper: petition of Hon. G. C. Jones, Hon. H. B. Wells, William H. Campbell, Rev. Levi Tarr, Rev. W. J. Chaplin, and 331 other citizens of Cass county, in favor of prohibiting the sale of intoxicating liquors.

Referred to the committee on intoxicating liquors.

By Mr. M. C. Watkins: petition of C. Carroll Miller and 19 others, legal voters of the county of Kent, praying that section 47, article 4, of the present Constitution, may be retained in the new one.

Referred to the committee on intoxicating liquors.

By Mr. Blackman: petition of A. B. Taft, and 28 other citizens of the township of Bangor, in Van Buren county, praying that said township of Bangor may be authorized to hold their elections in the village of Bangor, in said township.

Referred to the committee on elections.

By Mr. Germain: petition of L. B. Fish, D. L. Dumon, and

26 other citizens of Ionia county, praying that section 47, article 4, of the present Constitution, be retained in the new;

By the same: petition of Daniel G. Filkins, John H. English, Edson English, and 50 other citizens of Ionia county, on the same subject.

Referred to the committee on intoxicating liquors.

The Convention took up the order of

UNFINISHED BUSINESS.

The question being on concurring in the amendments made in committee of the whole to Article —, entitled "Executive Department,"

Mr. Ferris moved to amend section 2 by inserting in the first line, after "Lieutenant Governor," the words "who is not an elector."

Mr. Ferris demanded the yeas and nays.

The demand being sustained, the amendment was not agreed to, the following being the vote thereon:

YEAS.

| | | |
|-----------------|--------------|----------------|
| Mr. Burtenshaw, | Mr. Lamb, | Mr. Stockwell, |
| Case, | Lawrence, | Utley, |
| Estee, | Longyear, | White, |
| Ferris, | McKernan, | Winsor, |
| Holt, | Murray, | Woodhouse, |
| Kenney, | T. G. Smith, | Yeomans, 18 |

NAYS.

| | | |
|--------------|----------------|-----------------|
| Mr. Aldrich, | Mr. Germain, | Mr. Richmond, |
| Alexander, | D. Goodwin, | Root, |
| Andrus, | W. F. Goodwin, | Sawyer, |
| Barber, | Harris, | Shearer, |
| Birney, | Hazen, | Sheldon, |
| Blackman, | Henderson, | W. A. Smith, |
| Brown, | Hixson, | Stoughton, |
| Chapin, | Holmes, | Turner, |
| Chapman, | Huston, | Tyler, |
| Corbin, | Leach, | Van Riper, |
| Crocker, | Lovell, | Van Valkenburg, |
| Daniells, | Luce, | Walker, |
| Desnoyers, | McClelland, | P. D. Warner, |
| Divine, | McConnell, | M. C. Watkins, |
| Duncan, | Miles, | Willard, |

Duncombe,
Elliott,
Farmer,

Miller,
Mussey,
Pratt,

Winans,
Williams,
President, 54

The amendments made in the committee of the whole were then concurred in.

The Article was referred to the committee on arrangement and phraseology, for arrangement, correction and engrossment, and ordered to a third reading.

On motion of Mr. Turner,

The Convention went into committee of the whole on the general order,

Mr. Leach in the chair.

IN COMMITTEE OF THE WHOLE.

On motion of Mr. Turner,

The Convention took up Article —, entitled "Counties."

Section 2 being under consideration,

Mr. Huston moved that it be stricken out;

Which motion did not prevail.

Section 3 being under consideration,

Mr. W. A. Smith moved to amend it by adding thereto the following words:

"Excepting that whenever any organized county, containing a population of 50,000 or more, the Legislature may divide the same into two counties, without regard to extent of territory: *Provided*, Neither of such counties shall contain a population of less than 20,000."

Mr. T. G. Smith moved that section 3 be stricken out.

The amendment of Mr. W. A. Smith was not agreed to.

Mr. Willard moved to strike out the words "each of the," in the 4th line of section 3, and insert in lieu thereof the words "the county or."

Mr. Longyear moved that the committee rise, report progress and ask leave to sit again.

The motion prevailed.

IN CONVENTION.

The committee, through the chairman, submitted the following report:

The committee of the whole have had under consideration Article—, entitled “Counties;”

Have made some progress therein, but not having gone through therewith, have directed me to report that fact to the Convention, and ask leave to sit again.

D. C. LEACH, *Chairman.*

Report accepted, and leave granted the committee to sit again.

Mr. Van Valkenburgh offered the following resolution:

Resolved, That the Convention now take a recess for one hour, for the purpose of affording a committee of ladies now present, from this city and from the city of Detroit, representing the Soldiers’ and Sailor’s Monumental Association of this State, an opportunity to represent that interest on this floor, and solicit contributions to aid in the erection of a proposed State monument.

Mr. Warner moved to amend the resolution by striking out the words “for one hour;”

Which was accepted.

The resolution as amended was then adopted.

AFTERNOON SESSION.

3 o’clock P. M.

The Convention was called to order by the President.

Roll called; a quorum present.

On motion of Mr. P. Dean Warner,

The Convention went into committee of the whole on the general order,

Mr. Leach in the chair.

IN COMMITTEE OF THE WHOLE.

The committee resumed the consideration of the Article entitled “Counties.”

The pending question being on the amendment of Mr. Willard to strike out the words "each of the," in the fourth line of section 3, and insert in lieu the words "the county or;"

It was not agreed to.

Mr. Blackman moved to strike out the word "affected," in fourth line of section 3, and insert the words "so reduced below sixteen townships;"

Which motion did not prevail.

Mr. Stoughton offered the following proviso, which was adopted:

Provided, That nothing herein contained shall be so construed as to prevent the Legislature from organizing any county composed wholly of islands within the territory of this State, or discontinuing any such county and attaching the same to the nearest county or counties on the main land.

Mr. Ferris moved to amend section 3 by striking out, in the third line, the words following, viz: "To less than sixteen such towns;"

Which motion did not prevail.

Mr. Huston moved to amend the section by adding thereto the following:

"Neither shall the boundary lines of any organized county be changed, unless by a similar vote;"

Which was adopted.

Mr. Pringle offered the following substitute for the section:

Sec. 3. No new county shall be organized, nor shall the boundaries of any existing county ever be changed.

A division of the proposition being demanded, and the first question being on striking out the original section,

It did not prevail.

Section 4 being under consideration,

Mr. Holt moved to amend by adding thereto the following:

"And when so united the officer holding the same shall be known as the county clerk and register."

Mr. Miles moved to amend the amendment as follows:

"The board of supervisors in any county may provide that

the offices of county clerk and register of deeds shall be held by and the duties performed by one person, to be elected for that purpose."

Mr. Longyear offered the following substitute for the pending amendments:

Amend section 4 by striking out in the fourth and fifth lines, the words "unite the offices of county clerk and register of deeds in one office, or disconnect the same," and insert in lieu thereof, the words "provide that the county clerk of such county shall be *ex officio* register of deeds."

The amendment to the amendment was withdrawn.

The substitute was not adopted.

The question recurring on the amendment of Mr. Holt,

It was not agreed to.

Mr. Huston moved to amend the section by inserting after the word "county," in the fourth line, the words "containing less than eight thousand inhabitants;"

Which was not agreed to.

Mr. Harris moved to strike out the last sentence of section 4, commencing with—"The board of supervisors;"

Which motion did not prevail.

Mr. McClelland offered the following amendment to section 4:

Amend by adding in line 2, after the word "law," the words "all to be," and insert in line 3, after the word "happen," the words "except the prosecuting attorney, who shall be appointed by the circuit court for such county;"

Which was not agreed to.

Mr. Turner moved that the committee rise, report progress, and ask leave to sit again.

The motion did not prevail, the chairman giving the casting vote.

Section 4 being under consideration,

Mr. Turner moved to insert the word "and," after the word "probate," in the first line, and strike out the words "and prosecuting attorney."

The motion prevailed.

Section six being under consideration,

Mr. Willard moved to amend it by striking out the sentence from and including the word "no," in the first line, to and including the word "years," in the second line.

Pending which,

Mr. Luce moved that the committee rise, report progress, and ask leave to sit again.

The motion prevailed.

IN CONVENTION.

The committee, through the chairman, submitted the following report:

The committee of the whole have had under consideration Article —, of the Constitution, entitled "Counties;"

Have made some progress therein, but not having gone through therewith, have directed me to report that fact to the Convention, and ask leave to sit again.

D. C. LEACH, *Chairman.*

The report was accepted.

Leave was granted the committee to sit again.

On motion of Mr. Case,

The Convention adjourned.

TWENTY-SEVENTH DAY.

Lansing, Wednesday, June 19, 1867.

The Convention was called to order by the President at 9 o'clock A. M.

Prayer by Rev. Mr. Hickox.

Roll called: a quorum present.

Absent without leave, Messrs. Birney and Longyear.

Mr. Alexander asked and obtained leave of absence for Mr. Birney, for an indefinite time, by reason of important business.

Mr. Woodhouse asked and obtained leave of absence for Mr. Longyear, for an indefinite time, on account of sickness.

Mr. Van Riper asked and obtained leave of absence for himself, after to-day, until Tuesday, on account of important business.

Mr. Alexander asked and obtained leave of absence for Mr. Coolidge, for the day.

PRESENTATION OF PETITIONS.

By Mr. Tyler: petition of Mrs. Elizabeth Sides, Mrs. Mary Elliott, Mrs. Anna Simons, Mrs. Hettie Hoffman and Seymour S. Sage, Hon. Charles L. Miller, Hon. William R. Eck, and 48 other ladies and gentlemen, of Colon, St. Joseph county, praying that section 47, of article 4, of the present Constitution, in substance at least, be retained in the new instrument.

Referred to the committee on intoxicating liquors.

By Mr. Miller: petition of E. C. Newell, A. R. Bartlett, E. St. John, D. F. Mitchell, and 40 other residents of the city of Saginaw, and legal voters thereof, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. Alexander: petition of S. J. Bailey, Robert Kent, A. Miller, H. Miller, and 152 others, legal voters of Berrien county, praying that section 47, article 4, may be stricken out of the Constitution, and an article inserted in the new authorizing the Legislature to pass a license law.

Referred to the committee on intoxicating liquors.

By Mr. Sawyer: petition of Estele Rorick, Dexter Smith and C. B. Abbott, and 100 other members of the Lenawee Baptist Association, asking that section 47, article 4, of the present Constitution, be retained in the new;

By the same: petition of Charles Brown, Nelson Rice, Lyman Spaulding, and 30 other citizens of the township of Medina, Lenawee county, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. Yeomans: petition of Rev. E. D. Newberry, Peter Clark, N. E. Smith C. J. Freeman, William Kitts, Jerry Spaulding, and 100 other citizens of Ionia county, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. Germain: petition of D. W. Godard, E. L. Carpenter,

and 24 other citizens of Ionia county, asking that a clause be inserted in the new Constitution, prohibiting the traffic in intoxicating liquors;

By the same: petition of Chas. W. Colburn, A. N. Valentine, Jas. Mills, and 30 other legal voters of Campbell, Ionia county, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. Henderson: petition of Wm. H. Spoor and H. Watkins, and 192 other legal voters of the town of Burlington Calhoun county, asking that in spirit, section 47, article 4, of the present Constitution be retained in the new.

Referred to the committee on intoxicating liquors.

By Mr. Case: petition of John D. Fargo, Samuel Gibbs, John W. Kent, and 44 other citizens of Montcalm county, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. Norris: petition of Samuel A. Post, and 113 other citizens of Wastenaw county, praying for a license law for the sale of liquors.

Referred to the committee on intoxicating liquors.

By Mr. Ferris: petition of Barney Hoyt, recorder of the city of Grand Rapids; M. L. Sweet, ex-mayor; J. C. Tompkins, alderman; R. C. Luce, alderman; Henry Seymour, Senator, 29th District, and Wm. C. Beckwith, register of deeds and 46 other citizens of the county of Kent, praying that section 47, article 4, of the present Constitution be inserted in the new one;

By the same: petition of J. W. Pierce, Wm. Harvey and 42 others, of Grand Rapids, praying for prohibition;

By the same: petition of Nelson Hardy, George W. Gray and 40 others, of Grand Rapids, on the same subject;

By the same: petition of John B. White and 40 others, citizens of Kent county, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. McClelland: petition of Joseph Kirby and 100 others, citizens of Wayne county, praying for a license law for the sale of liquors.

Referred to the committee on intoxicating liquors.

By Mr. Morton: petition of E. W. Hedges, I. Cousino, and 114 other voters of Monroe county, for a license law and against a prohibitory clause in the Constitution.

Referred to the committee on intoxicating liquors.

REPORTS OF STANDING COMMITTEES.

By the committee on bill of rights:

The committee on bill of rights, to whom was referred the Article entitled "Bill of Rights,"

Respectfully report that they have had the same under consideration, and have directed me to report the accompanying Article, entitled "Bill of Rights," recommending that the same do pass, and ask to be discharged from the further consideration of the subject.

DANIEL L. PRATT, *Chairman.*

Report accepted and committee discharged.

The article was read a first and second time by its title, ordered printed, placed on the general order, and referred to the committee of the whole.

MOTIONS AND RESOLUTIONS.

Mr. Van Valkenburgh offered the following resolution, which was adopted:

Resolved, That the cordial thanks of this Convention be tendered to the ladies of Lansing, representing the Soldiers' and Sailors' Monument Association of this city, and also to the delegates from the parent society in Detroit, for the opportunity afforded us of endorsing their good work and contributing for the accomplishment of that desired object, and especially to the ladies of this city for the taste and beauty with which they have ornamented our Hall.

On motion of Mr. Mussey,

The Convention went into committee of the whole on the general order,

Mr. Leach in the chair.

IN COMMITTEE OF THE WHOLE.

The committee resumed the consideration of the article entitled "Counties."

The pending question being on the amendment of Mr. Willard to section 6, to strike out the sentence from and including the word "No," in the first line, to and including the word "years," in the second line,

The amendment was withdrawn.

Mr. Turner renewed it.

The amendment was not adopted.

Mr. Daniells moved to amend section 6, by adding after the word "supervisor," in first line, the words, "or justice of the peace;"

Which motion did not prevail.

Mr. Blackman moved to strike out of line one, section six, the word "county," and the words "nor the office of supervisor;"

Which motion did not prevail.

Section 7 being under consideration,

Mr. W. A. Smith moved to amend it by inserting the words, "and ward," after the word township," in the first line.

Mr. Holmes moved to amend the amendment, by inserting after the word "ward," the words, "which has 20,000 inhabitants;"

Which was not agreed to.

The question recurring on the amendment of Mr. Smith,

It was not adopted.

Section 8 being under consideration,

Mr. Holt moved to amend it by inserting before the word "cities," in the first line, the words, "incorporated villages containing two thousand inhabitants, and."

Mr. T. G. Smith offered the following substitute for the amendment of Mr. Holt:

Insert after the word "cities," in the first line, the words "and townships containing an incorporated village."

After some debate the substitute was withdrawn.

The amendment of Mr. Holt was not adopted.

Section 9 being under consideration,

Mr. Huston moved to amend the section by striking out in the third line, the words "two-thirds," and inserting in lieu thereof "a majority."

Mr. Conger offered the following substitute for the motion of Mr. Huston:

Strike out the words "two-thirds," in the second line, and insert in lieu the words "a majority;"

Which, after some debate, was withdrawn.

Mr. Norris moved that the committee rise, report progress, and ask leave to sit again.

The motion prevailed.

IN CONVENTION.

The committee, through the chairman, submitted the following report:

The committee of the whole have had under consideration Article —, of the Constitution, entitled "Counties;"

Have made some progress therein, but not having gone through therewith, have directed me to report that fact to the Convention, and ask leave to sit again.

D. C. LEACH, *Chairman.*

The report was accepted.

Leave was granted the committee to sit again.

On motion of Mr. Estee,

The Convention took a recess until 3 o'clock.

AFTERNOON SESSION.

3 o'clock P. M.

The Convention was called to order by the President.

Roll called: a quorum present.

Mr. McClelland asked and obtained leave of absence for Mr. Lathrop, until Tuesday next.

On motion of Mr. Barber,

The Convention went into committee of the whole on the general order,

Mr. Leach in the chair.

IN COMMITTEE OF THE WHOLE.

The committee of the whole resumed the consideration of Article —, entitled "Counties."

The pending question being on the amendment of Mr. Huston to strike out "two-thirds," in the third line, and insert in lieu "a majority,"

It was not adopted.

Mr. Conger moved to amend the section by striking out the words "two-thirds," in the second line, and inserting in lieu thereof the words "a majority of the members elect;"

Which motion prevailed.

Section 10 being under consideration,

Mr. Holmes moved to amend it by striking out of the first line the words "and one-half."

Mr. Farmer moved to amend the amendment by striking out of the first line of the section, the words "one and one-half," and insert in lieu thereof the word "three;"

Which was not agreed to.

Mr. Alexander moved to amend the amendment by striking out "one and one-half," and insert in lieu the word "two;"

Which motion did not prevail.

Mr. P. D. Warner moved to amend by striking out from the word "tax," in the first line, to and including the word "board," in the second line, and insert "two thousand five hundred dollars."

Mr. T. G. Smith moved that the committee rise, report progress, and ask leave to sit again.

The motion prevailed.

IN CONVENTION.

The committee, through the chairman, submitted the following report:

The committee of the whole have had under consideration Article —, of the Constitution, entitled "Counties;"

Have made some progress therein, but not having gone through therewith, have directed me to report that fact to the Convention, and ask leave to sit again.

D. C. LEACH, *Chairman.*

The report was accepted.

Leave was granted the committee to sit again.

On motion of Mr. Winans,

The Convention adjourned.

TWENTY-EIGHTH DAY.

Lansing, Thursday, June 20, 1867.

The Convention was called to order by the President, at o'clock A. M.

Prayer by Rev. Mr. Spencer.

Roll called: a quorum present.

Mr. Pratt asked and obtained leave of absence for himself until Thursday next.

PRESENTATION OF PETITIONS.

By Mr. McKernan: petition of Hon. J. H. Forster, Hon. S. Smith, Capt. R. Edwards, and 62 other leading citizens Houghton county, praying that the Convention may provide two Senators in the State Senate from the Upper Peninsula.

Referred to the committee on the Upper Peninsula ordered printed in the Journal, and is as follows:

To the Honorable, the Constitutional Convention of the State Michigan, assembled at Lansing:

The undersigned, citizens and residents of the Upper Peninsula of Michigan, most respectfully set forth and represent,

Whereas, Heretofore in former apportionments of the Senators of the State of Michigan, the said Upper Peninsula has been allotted but one Senator in the Legislature of the State and as its citizens have been left unrepresented in the Senate by reason of death, sickness, or unavoidable absence of

Senator representing said district at different times, thereby jeopardizing the interests of the citizens of said district;

And whereas, The interests of the said districts are largely on the increase, thereby demanding the fostering care of the Legislature, the same interest being largely contributed to by capital from outside of the State, which has sought investment here;

Your petitioners therefore respectfully submit and show, that at the present time there is invested in the copper and iron mines of the district at least fourteen million dollars, from which, for several years past, there has been a product of nearly ten million dollars annually. There is invested in the lumber trade a capital of about two millions, from which there is an annual product of one million dollars. There is also invested in agriculture at least five hundred thousand dollars, a branch of industry heretofore much neglected, but now largely on the increase. In the fisheries scattered along the coasts of lakes Superior, Huron and Michigan, and in the numerous bays thereof, within the State of Michigan and belonging to the Upper Peninsula of the State, is invested two hundred and fifty thousand dollars, yielding a very large product.

The area of the Upper Peninsula of the State is equal to one-half that of the Lower Peninsula, and has a population of nearly forty thousand inhabitants, which is rapidly increasing.

We therefore pray, that in view of the foregoing facts, an apportionment of State Senators may be so made, as that at least two Senators may be given to the nine counties composing the Upper Peninsula; and your petitioners will ever pray.

By Mr. Alexander: petition of P. J. Pierce, Wm. Spooner, James Owen, Richard Cornell, and 103 other legal voters in the county of Berrien, praying that section 47, article 4, be stricken out of the Constitution, and an article incorporated authorizing the Legislature to pass a license law for the sale of spirituous and malt liquors.

Referred to the committee on intoxicating liquors.

By Mr. Farmer: petition of C. D. Nichols, James Farrel

Jacob Boon, and 75 other citizens of Berrien county, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. Stockwell: petition of Burton Phelps, L. R. Benn. J. D. Cleveland, Ruben Bird, and 70 other citizens of the village of Clayton, Lenawee county, praying that section 47, article of the present Constitution, be retained in the new.

Referred to the committee on intoxicating liquors.

By Mr. Turner: petition of Mrs. Elizabeth P. Patchin, M. Susan M. Cramford, Mrs. L. A. Gould, Mrs. B. O. William, Mrs. A. H. Parkill, Mrs. J. M. Guile, Mrs. Jones Dav, Mrs. H. M. Newcombe, and 128 other ladies of the city Owosso, praying that a provision may be inserted in the new Constitution prohibiting the granting of licenses for the sale of intoxicating liquors;

By the same: petition of Mrs. E. C. Moore, Mrs D. M. Gerner, Mrs. A. L. Lockwood, Mrs. Hellen Trusdell, Mrs. E. McArthur, Mrs. G. W. Goodell, and 152 other ladies of the village of Corunna, on the same subject.

Referred to the committee on intoxicating liquors.

By the same: petition of Rev. Isaac Crawford, Doctor C. Parkell, E. E. White, Geo. P. Moses and 9 other men, and M. C. G. Hathaway, Mrs. E. P. Hitchcock, Mrs. Rebecca Williams and 4 other ladies of the city of Owosso, praying for equal suffrage for both men and women.

Referred to the committee on elections.

By Mr. P. Dean Warner: petition of John Bloom, Geo. Bancroft, Jas. A. Phelps, L. P. Kneeland, and 60 other legal voters of the city of Detroit, in favor of prohibition;

By the same: petition of M. Hickey, L. L. Farnsworth, Whitmore, C. W. Van Aken, Jas. H. Button and 40 other legal voters of the city of Detroit, on the same subject;

By the same: petition of Joseph Whitney, A. E. F. White, M. Richardson, C. Abel, and 40 other legal voters of the city of Detroit, on the same subject;

By the same: petition of W. S. Penfield, H. L. Pratt, Jno

Rennie, Elisha Taylor, A. E. Mather, and 50 other legal voters of the city of Detroit, on the same subject;

By the same: petition of J. M. Arnold, Jas. H. Shepley, Jno. G. Berry, Jas. M. Stevens, E. K. Roberts, and 40 other legal voters of the city of Detroit, on the same subject;

By the same: petition of Wm. Fisher, Geo. Taylor, F. X. Shefferly, Jno. F. Bryan, and 30 other legal voters of the city of Detroit, on the same subject;

By the same: petition of J. K. Burnham, G. H. Smith, J. L. Fleming, S. W. Gillis, and 30 other legal voters of the city of Detroit, on the same subject;

By the same: petition of William M. McKay, J. H. Austin, Thos. Crawford, C. A. Dupont, and 40 other legal voters of the city of Detroit, on the same subject;

By the same: petition of W. E. Bryant, David Sutherland, J. W. Yates, Thos. R. Roberts, A. McArthur, A. Shore, and 55 other legal voters of the city of Detroit, on the same subject;

By the same: petition of Samuel Marriott, John Montgomery, A. P. Yates, Richard Palmer and 30 other legal voters of the city of Detroit, on the same subject;

By the same: petition of Dr. H. R. Miller, T. J. Griffin, W. F. Jewell, Lewis E. Johnson, and 25 other legal voters of the city of Detroit, on the same subject;

By the same: petition of A. McMillan, J. Littlefield, Geo. W. Hill and 30 other legal voters of the city of Detroit, on the same subject;

By the same: petition of Elisha Cross, James Fenton, David Hill, H. Weiss, and 55 other legal voters of the city of Detroit, on the same subject;

By the same: petition of H. L. Devenport, Geo. Dewey, J. McGinnis, J. M. Whitcomb, and 45 other legal voters of the city of Detroit, on the same subject;

By the same: petition of Alex. M'Leod, Jno. H. Riggs, C. P. Woodruff, Hugh McMillan, Joseph McGrath, Chas. L. Bristol, Chas. Goldsmith, David McDonald, William Orth, and 190 other legal voters of the city of Detroit, on the same subject;

By the same: petition of Mrs. R. W. Fiske, Mrs. S. E. Walker, Mrs. A. R. Olewine, Mrs. H. Lyon, Mrs. E. Knight, Mrs. R. Palmer, Mrs. James McFarland, Mrs. C. A. Whitmore, Mrs. Elizabeth Brooks, Mrs. Carrie Streeter, Mrs. S. W. Whipple, Mrs. L. H. Bloom, Mrs. M. C. Fisher, Mrs. A. Brush, Mrs. E. H. Rice, Mrs. I. S. Vernon, Mrs. Jas. W. Farrell, Mrs. W. E. Dibble, Mrs. R. C. Smith, Mrs. Mary P. Ward, Mrs. D. C. Smith, Miss Anna D. Watson, Miss Maggie L. Barclay, Miss Sarah Hawley, Miss Nellie Gray and 953 ladies of the city of Detroit, on the same subject.

Referred to the committee on intoxicating liquors, ordered printed in the journal, and is as follows:

To the Constitutional Convention, assembled at Lansing:

Your memorialists, women of the city of Detroit, respectfully represent to your Honorable body, that the traffic in intoxicating beverages fills our alms-houses with paupers; our jails and prisons with criminals; largely increases the taxes which *honest* labor and *legitimate business* must pay, and, above all, robs thousands of happy homes of their purity and peace, leading the young to the haunts of vice and crime; and for all these and countless other evils, its legitimate fruits, renders to community no possible or even pretended equivalent. We deem it highly proper that a virtuous and Christian people should embody in their organic law their condemnation of such a traffic; and in behalf of our sons, and husbands and brothers—to save our homes from this foul destroyer; in the name of God and humanity, we beseech you to re-enact the clause in our Constitution which restrains the Legislature from passing any law authorizing the granting of licenses for the sale of intoxicating beverages;—trusting that the time is near when entire prohibition shall be maintained in all our communities, as we are glad to know it now is in many of them.

By Mr. Blackman: petition of Delea Paddock and 33 others, ladies of Van Buren county, praying that section 47, article 4, of the present Constitution be incorporated in the new one;

By the same: petition of Jane Thomas and 46 others, ladies of Van Buren county, on the same subject;

By the same: petition of Susan C. Dey and 90 others, ladies of Van Buren county, on the same subject;

By the same: petition of B. K. Dewey, and 53 other legal voters of Van Buren county, on the same subject;

Referred to the committee on intoxicating liquors.

By the same: petition of A. B. Taft and 28 others, legal voters of the township of Bangor, in Van Buren county, praying that said township of Bangor, may be authorized to hold their elections in the village of Bangor in said township.

Referred to the committee on elections.

By Mr. Murray: petition of F. T. Wait, H. Palmerlee, Geo. S. Escott, Wm. L. Bailey, and 55 other citizens of Kent county, asking that section 47, article 4, of the present Constitution, be retained in the new.

Referred to the committee on intoxicating liquors.

By Mr. McConnell: petition of Oscar M. Bronson, E. T. Beardsley, Thomas W. Vliet, and 21 other citizens and voters of Independance, Oakland county, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. W. E. Warner: petition of J. A. Gerardin, of Detroit asking that a provision may be made in the new Constitution for creating a court of appeals, wherein cases decided by the Supreme Court may be reviewed.

Referred to the committee on the judicial department.

By Mr. McKernan: petition of Frank Mayworm, Williams Miller, and 100 other citizens of Houghton, L. S., asking a license clause in the new Constitution.

Referred to the committee on intoxicating liquors.

By Mr. Turner: petition of Maj. C. C. Ellsworth, and John Lewis, Esq., attorneys at law of Greenville, asking that a provision may be made for the appointment of judges by the Governor and Senate, and that their salaries be increased.

So much as refers to judicial, was referred to the committee on judicial department.

So much as refers to salaries, was referred to the committee on salaries.

By Mr. Miles: petition of Henry Whiting, C. Benstead, Geo. W. Barnard, and 27 other citizens, legal voters of the county of St. Clair, requesting the incorporation of a clause in the Constitution prohibiting the license of the sale of intoxicating liquors;

By the same: petition of Mrs. M. C. Miles, Mrs. Eugene Smith, Mrs. Friend Palmer, Mrs. E. Armstrong, Miss Abbie J. Riddle, Miss Carrie Walker, and 41 other married and unmarried women, of the city of St. Clair, on the same subject.

Referred to the committee on intoxicating liquors.

MOTIONS AND RESOLUTIONS.

Mr. Hazen offered the following resolution:

Resolved, That when this Convention adjourn on Wednesday, the 3d day of July next, it do adjourn to Wednesday, the 10th day of July next, at 10 o'clock A. M.

Mr. Farmer moved to lay the resolution on the table.

Mr. Barber demanded the yeas and nays;

The demand was supported, and the motion to lay on the table did not prevail, the following being the vote thereon:

YEAS.

| | | |
|--------------|-------------|------------------|
| Mr. Aldrich, | Mr. Holmes, | Mr. W. A. Smith, |
| Burtenshaw, | Howard, | Stockwell, |
| Chapman, | Kenney, | Stoughton, |
| Coolidge, | Lamb, | Tyler, |
| Daniells, | Lawrence, | Utley, |
| Desnoyers, | McClelland, | Walker, |
| Elliott, | McConnell, | W. E. Warner, |
| Estee, | Morton, | Winans, |
| Farmer, | Murray, | Winsor, |
| Germain, | Shearer, | Yeomans, |
| D. Goodwin, | | 31 |

NAYS.

| | | |
|----------------|-------------|------------|
| Mr. Alexander, | Mr. Harris, | Mr. Pratt, |
| Andrus, | Hazen, | Rafter, |
| Barber, | Henderson, | Richmond, |
| Bills, | Hixson, | Root, |
| Blackman, | Holt, | Sawyer, |

| | | |
|----------------|-----------|-----------------|
| Bradley, | Huston, | Sheldon, |
| Brown, | Leach, | T. G. Smith, |
| Case, | Longyear, | Sutherland, |
| Chapin, | Lovell, | Turner, |
| Conger, | Luce, | Van Valkenburg, |
| Corbin, | McKernan, | P. D. Warner, |
| Crocker, | Miles, | M. C. Watkins, |
| Divine, | Miller, | White, |
| Duncan, | Mussey, | Willard, |
| Duncombe, | Musgrave, | Williams, |
| Ferris, | Ninde, | Woodhouse, |
| W. F. Goodwin, | Norris, | President, 51 |

Mr. Lamb moved to amend the resolution by striking out "10th."

Mr. P. D. Warner demanded the previous question;

The demand was not sustained.

The question being on the amendment,

Mr. Lamb demanded the yeas and nays.

Mr. Alexander offered the following substitute for the resolution:

Resolved, That when this Convention adjourns, it does adjourn on the 26th inst., to meet again on the 10th day of July next.

Mr. Lovell moved to amend the amendment by striking out the figure "10," and insert in lieu the figure "6."

Mr. Norris moved to amend the substitute by striking out "the 10th day of July," and inserting in lieu thereof, "the first Wednesday in November next."

Mr. Walker moved that the whole subject be made the special order for to-morrow, at 9½ o'clock.

Mr. Pringle moved to amend the motion by striking out the words "9½ o'clock;"

Which was accepted.

The motion did not prevail.

The question recurring on the amendment of Mr. Lovell, to the amendment,

It was not agreed to.

The question being on the amendment of Mr. Lamb, to the resolution,

The demand for the yeas and nays was supported, and the amendment was not adopted, the following being the vote thereon:

YEAS.

| | | |
|--------------|-------------|---------------|
| Mr. Aldrich, | Mr. Hixson, | Mr. Richmond, |
| Coolidge, | Holmes, | Sawyer, |
| Duncan, | Howard, | Shearer, |
| Duncombe, | McClelland, | Winans, |
| Elliott, | Morton, | Winsor, |
| D. Goodwin, | Murray, | Yeomans, |

18

NAYS.

| | | |
|----------------|-------------|----------------|
| Mr. Alexander, | Mr. Harris, | Mr. Rafter, |
| Andrus, | Hazen, | Root, |
| Barber, | Henderson, | Sheldon, |
| Bills, | Holt, | T. G. Smith, |
| Blackman, | Huston, | W. A. Smith, |
| Bradley, | Kenney, | Stockwell, |
| Brown, | Lamb, | Stoughton, |
| Burtenshaw, | Lawrence, | Sutherland, |
| Case, | Leach, | Turner, |
| Chapin, | Longyear, | Tyler, |
| Chapman, | Lovell, | Utley, |
| Conger, | Luce, | VanValkenburgh |
| Corbin, | McConnell, | Walker, |
| Crocker, | McKernan, | P. D. Warner, |
| Daniells, | Miles, | W. E. Warner, |
| Divine, | Miller, | M. C. Watkins, |
| Estee, | Mussey, | White, |
| Farmer, | Musgrave, | Willard, |
| Ferris, | Ninde, | Williams, |
| Germain, | Norris, | Woodhouse, |
| W. F. Goodwin, | Pringle, | President, |

63

The question being on the amendment to the substitute,

Mr. Mussey demanded the yeas and nays.

The demand was supported and the amendment was not adopted, the following being the vote thereon:

YEAS.

| | | |
|----------------|-------------|-------------|
| Mr. Bills, | Mr. Holmes, | Mr. Norris, |
| Coolidge, | Howard, | Richmond, |
| Elliott, | McClelland, | Shearer, |
| Germain, | Morton, | Winans, |
| W. F. Goodwin, | Murray, | Winsor, |
| D. Goodwin, | Ninde, | Yeomans, |
| Hixson, | | |

19

NAYS.

| | | |
|--------------|-------------|-----------------|
| Mr. Aldrich, | Mr. Ferris, | Mr. Root, |
| Alexander, | Harris, | Sheldon, |
| Andrus, | Hazen, | T. G. Smith, |
| Barber, | Henderson, | W. A. Smith, |
| Blackman, | Holt, | Stockwell, |
| Bradley, | Huston, | Stoughton, |
| Brown, | Kenney, | Sutherland, |
| Burtenshaw, | Lawrence, | Turner, |
| Case, | Leach, | Tyler, |
| Chapin, | Longyear, | Utley, |
| Chapman, | Lovell, | Van Valkenburg, |
| Conger, | Luce, | Walker, |
| Corbin, | McConnell, | P. D. Warner, |
| Crocker, | McKernan, | W. E. Warner, |
| Daniells, | Miles, | M. C. Watkins, |
| Divine, | Miller, | White, |
| Duncan, | Mussey, | Willard, |
| Duncombe, | Musgrave, | Williams, |
| Estee, | Pringle, | Woodhouse, |
| Farmer, | Rafter, | President, 60 |

The question recurring on the substitute of Mr. Alexander,
Mr. D. Goodwin moved to strike out "the 10th of July," and
insert in lieu, "the 3d Wednesday of September."

Mr. Barber called for a division of the question.

Mr. T. G. Smith moved to strike out "26th," and insert
"28th," in lieu thereof.

After some debate the motion of Mr. T. G. Smith was with-
drawn.

The question being on striking out the "10th of July,"

The motion did not prevail.

The motion recurring on the substitute;

Mr. Blackman demanded the yeas and nays.

The demand was supported, and the substitute, was not
adopted, the following being the vote thereon:

YEAS.

| | | |
|----------------|-------------|--------------|
| Mr. Alexander, | Mr. Howard, | Mr. Sawyer, |
| Bills, | Huston, | W. A. Smith, |
| Burtenshaw, | Kenney, | Stockwell, |
| Chapin, | Lawrence, | Stoughton, |
| Coolidge, | Miller, | Tyler, |
| Crocker, | Morton, | Utley, |

Divine,
Duncombe,
Estee,
Farmer,
W. F. Goodwin,
Hixson,

Murray,
Musgrave,
Ninde,
Rafter,
Richmond,
Root,

W. E. Warner,
M. C. Watkins,
Winans,
Winsor,
President,

35

NAYS.

Mr. Aldrich,
Andrus,
Barber,
Blackman,
Bradley,
Brown,
Case,
Chapman,
Conger,
Corbin,
Daniells,
Duncan,
Elliott,
Ferris,
Germain,
D. Goodwin,

Mr. Harris,
Hazen,
Henderson,
Holmes,
Holt,
Lamb,
Leach,
Longyear,
Lovell,
Luce,
McClelland,
McConnell,
McKernan,
Miles,
Mussey,

Mr. Norris,
Pringle,
Shearer,
Sheldon,
T. G. Smith,
Sutherland,
Turner,
Van Valkenburg,
Walker,
P. D. Warner,
White,
Willard,
Williams,
Woodhouse,
Yeomans,

46

The question recurring on the original resolution,

Mr. Norris demanded the yeas and nays;

The demand was supported, and the resolution was not adopted, the following being the vote thereon:

YEAS.

Mr. Andrus,
Bills,
Blackman,
Bradley,
Burtenshaw,
Case,
Conger,
Daniells,
Estee,
Ferris,
Germain,
D. Goodwin,

Mr. Harris,
Hazen,
Henderson,
Holmes,
Holt,
Leach,
Longyear,
Lovell,
McConnell,
McKernan,
Mussey,
Rafter,

Mr. Sheldon,
T. G. Smith,
Stoughton,
Turner,
Tyler,
Van Valkenburg,
P. D. Warner,
M. C. Watkins,
Willard,
Williams,
Woodhouse,
Yeomans,

36

NAYS.

Mr. Aldrich,
Alexander,
Barber,

Mr. Hixson,
Howard,
Huston,

Mr. Pringle,
Richmond,
Root,

| | | |
|----------------|-------------|---------------|
| Brown, | Kenney, | Sawyer, |
| Chapin, | Lamb, | Shearer, |
| Chapman, | Lawrence, | W. A. Smith, |
| Coolidge, | Luce, | Stockwell, |
| Corbin, | McClelland, | Sutherland, |
| Crocker, | Miles, | Utley, |
| Divine, | Miller, | Walker, |
| Duncan, | Morton, | W. E. Warner, |
| Duncombe, | Murray, | White, |
| Elliott, | Musgrave, | Winans, |
| Farmer, | Ninde, | Winsor, |
| W. F. Goodwin, | Norris, | President, 45 |

Mr. Conger offered the following resolution:

Resolved, That when this Convention adjourn on Friday, the 28th inst., it shall adjourn to Tuesday, the ninth of July, at 11 o'clock in the forenoon.

Mr. McClelland demanded the yeas and nays.

The demand was supported, and the resolution was adopted, the following being the vote thereon.

YEAS.

| | | |
|--------------|--------------|-----------------|
| Mr. Aldrich, | Mr. Ferris, | Mr. Stockwell, |
| Alexander, | Germain, | Stoughton, |
| Andrus, | Harris, | Turner, |
| Bills, | Henderson, | Tyler, |
| Bradley, | Holmes, | Utley, |
| Burtenshaw, | Howard, | Van Valkenburg, |
| Case, | Kenney, | Walker, |
| Chapin, | Lawrence, | P. D. Warner, |
| Chapman, | Leach, | M. C. Watkins, |
| Conger, | McConnell, | White, |
| Crocker, | McKernan, | Willard, |
| Daniells, | Murray, | Winans, |
| Divine, | Rafter, | Winsor, |
| Duncombe, | Root, | Williams, |
| Estee, | T. G. Smith, | Yeomans, |
| Farmer, | | |

46

NAYS.

| | | |
|-------------|-------------|------------|
| Mr. Barber, | Mr. Huston, | Mr. Ninde, |
| Blackman, | Lamb, | Norris, |
| Brown, | Longyear, | Pringle, |
| Coolidge, | Lovell, | Richmond, |
| Duncan, | Luce, | Sawyer, |
| Elliott, | McClelland, | Shearer, |
| D. Goodwin, | Miles, | Sheldon, |

| | | |
|----------------|-----------|---------------|
| W. F. Goodwin, | Miller, | W. A. Smith, |
| Hazen, | Morton, | W. E. Warner, |
| Hixson, | Mussey, | Woodhouse, |
| Holt, | Musgrave, | President, 33 |

Mr. Luce offered the following resolution:

Resolved, That the members of the Convention shall not be allowed per diem compensation during the recess from the 28th of June until the 9th of July.

Mr. Norris moved to amend the resolution by adding thereto the words, "except those members who do not go home;"

Which was accepted.

Mr. T. G. Smith moved to lay the resolution on the table.

Mr. Farmer moved to amend the resolution by striking out the words, "except those members who do not go home;"

Which motion prevailed.

The question recurring on the motion to lay the resolution on the table,

Mr. McClelland demanded the yeas and nays.

The demand being supported, the motion did not prevail, the following being the vote thereon:

YEAS.

Mr. Winsor,

1

NAYS.

| | | |
|--------------|-----------------|-----------------|
| Mr. Aldrich, | Mr. D. Goodwin, | Mr. Rafter, |
| Alexander, | Harris, | Richmond, |
| Andrus, | Hazen, | Root, |
| Barber, | Henderson, | Sawyer, |
| Bills, | Hixson, | Shearer, |
| Blackman, | Holmes, | Sheldon, |
| Bradley, | Holt, | W. A. Smith, |
| Brown, | Howard, | Stockwell, |
| Burtenshaw, | Kenney, | Stoughton, |
| Case, | Lamb, | Sutherland, |
| Chapin, | Lawrence, | Turner, |
| Chapman, | Leach, | Tyler, |
| Coolidge, | Longyear, | Utley, |
| Conger, | Lovell, | Van Valkenburg, |
| Corbin, | Luce, | Walker, |
| Crocker, | McClelland, | P. D. Warner, |
| Daniells, | McConnell, | W. E. Warner, |
| Divine, | McKernan, | M. C. Watkins, |

| | | |
|----------------|-----------|------------|
| Duncan, | Miller, | White, |
| Duncombe, | Morton, | Willard, |
| Elliott, | Murray, | Winans, |
| Estee, | Mussey, | Williams, |
| Farmer, | Musgrave, | Woodhouse, |
| Ferris, | Ninde, | Yeomans, |
| Germain, | Norris, | President, |
| W. F. Goodwin, | Pringle, | |

76

The resolution was then adopted.

Mr. Henderson offered the following resolution:

Resolved, That it is the sense of this Convention that each of the standing committees should make their report in time for the same to take the ordinary course, and appear upon the files of the members as soon as Friday, the 28th inst.

On motion of Mr. D. Goodwin,

The resolution was laid on the table.

Mr. Root offered the following resolution:

Resolved, That members of this Convention, when absent on business, shall not receive their per diem pay during such absence.

On motion of Mr. Luce,

The resolution was laid on the table.

On motion of Mr. Morton,

The Convention took a recess until 3 o'clock.

AFTERNOON SESSION.

3 o'clock P. M.

The Convention was called to order by the President.

Roll called: a quorum present.

Mr. Turner moved that the vote by which the Convention this morning adopted the resolution relative to a temporary adjournment, be reconsidered.

Mr. Alexander moved to lay the motion to reconsider on the table.

Mr. Norris demanded the yeas and nays.

The demand was supported, and the motion did not prevail, the following being the vote thereon:

YEAS.

Mr. Alexander,
Andrus,
Chapin,
Corbin,
Divine,

Mr. Estee,
Huston,
Morton,
Murray,

Mr. Stockwell,
Walker,
Winsor,
Williams,

13

NAYS.

Mr. Aldrich,
Barber,
Bills,
Blackman,
Bradley,
Brown,
Burtenshaw,
Case,
Coolidge,
Conger,
Crocker,
Daniells,
Desnoyers,
Duncan,
Duncombe,
Elliott,
Farmer,
Ferris,
Germain,
W. F. Goodwin,
D. Goodwin,
Harris,

Mr. Hazen,
Henderson,
Hixson,
Holmes,
Holt,
Howard,
Kenney,
Lamb,
Lawrence,
Leach,
Longyear,
Lovell,
Luce,
McClelland,
McConnell,
Miles,
Miller,
Mussey,
Musgrave,
Ninde,
Norris,

Mr. Pringle,
Rafter,
Richmond,
Root,
Shearer,
Sheldon,
T. G. Smith,
Stoughton,
Sutherland,
Turner,
Tyler,
Van Valkenburg,
P. D. Warner,
W. E. Warner,
M. C. Watkins,
White,
Willard,
Winans,
Woodhouse,
Yeomans,
President,

64

The question recurring on the motion to reconsider,

Mr. Corbin demanded the yeas and nays;

The demand was sustained, and the motion to reconsider prevailed, the following being the vote thereon:

YEAS.

Mr. Aldrich,
Barber,
Bills,
Blackman,
Bradley,
Brown,
Burtenshaw,
Case,
Elliott,
Farmer,

Mr. Lamb,
Lawrence,
Leach,
Longyear,
Lovell,
Luce,
McClelland,
McConnell,
Miles,
Miller,

Mr. Shearer,
Sheldon,
T. G. Smith,
W. A. Smith,
Stoughton,
Sutherland,
Turner,
Tyler,
Van Valkenburg,
P. D. Warner,

| | | |
|-------------|-----------|---------------|
| Ferris, | Mussey, | W. E. Warner, |
| Germain, | Musgrave, | White, |
| D. Goodwin, | Ninde, | Willard, |
| Harris, | Norris, | Winans, |
| Hazen, | Pringle, | Winsor, |
| Henderson, | Rafter, | Woodhouse, |
| Hixson, | Richmond, | Yeomans, |
| Holmes, | Root, | President, 54 |

NAYS.

| | | |
|----------------|----------------|----------------|
| Mr. Alexander, | Mr. Desnoyers, | Mr. Kenney, |
| Andrus, | Divine, | Morton, |
| Chapin, | Duncan, | Murray, |
| Chapman, | Duncombe, | Sawyer, |
| Coolidge, | Estee, | Stockwell, |
| Conger, | W. F. Goodwin, | Walker, |
| Corbin, | Holt, | M. C. Watkins, |
| Crocker, | Howard, | Williams, |
| Daniells, | Huston, | 26 |

Mr. Farmer moved to lay the resolution on the table;
Which motion did not prevail.

Mr. Luce moved to amend the resolution by striking out the
"28th of June," and inserting in lieu the "3d of July."

Mr. Farmer moved that the resolution and amendment be in-
definitely postponed;

Which motion did not prevail.

Mr. Luce demanded the previous question.

The demand was not sustained.

Mr. Shearer offered the following substitute for the resolution:

Resolved, That the Convention adjourn from the 2d day of
July next, to the 2d day of September next.

Mr. Norris moved to amend the amendment offered by Mr.
Luce, so as to adjourn on the evening of the 3d of July, to the
morning of the 5th of July, 12 o'clock M.

Mr. Luce demanded the previous question.

The demand was not sustained.

The amendment of Mr. Norris to the amendment was not
agreed to.

The substitute was not adopted.

The question recurring on the motion of Mr. Luce to the
resolution;

The motion prevailed, the following being the vote thereon:

YEAS.

| | | |
|-------------|----------------|-----------------|
| Mr. Andrus, | Mr. Henderson, | Mr. Root, |
| Barber, | Holmes, | Shearer, |
| Bills, | Holt, | Sheldon, |
| Blackman, | Howard, | T. G. Smith, |
| Bradley, | Lamb, | Stoughton, |
| Burtenshaw, | Lawrence, | Sutherland, |
| Case, | Leach, | Turner, |
| Chapin, | Longyear, | Tyler, |
| Daniells, | Lovell, | Utley, |
| Desnoyers, | Luce, | Van Valkenburg, |
| Duncan, | McConnell, | P. D. Warner, |
| Esstee, | Miller, | White, |
| Ferris, | Murray, | Willard, |
| Germain, | Mussey, | Williams, |
| D. Goodwin, | Musgrave, | Woodhouse, |
| Harris, | Pringle, | Yeomans, |
| Hazen, | Rafter, | |

50

NAYS.

| | | |
|--------------|----------------|----------------|
| Mr. Aldrich, | Mr. Farmer, | Mr. Richmond, |
| Alexander, | W. F. Goodwin, | Sawyer, |
| Brown, | Hixson, | W. A. Smith, |
| Chapman, | Huston, | Stockwell, |
| Coolidge, | Kenney, | Walker, |
| Conger, | McClelland, | W. E. Warner, |
| Corbin, | Miles, | M. C. Watkins, |
| Crocker, | Morton, | Winans, |
| Divine, | Ninde, | Winsor, |
| Duncombe, | Norris, | President, |
| Elliott, | | |

31

The resolution as amended was then adopted.

Mr. P. D. Warner moved to reconsider the vote by which the resolution was adopted.

On motion of Mr. Lovell,

The motion to reconsider was laid on the table.

On motion of Mr. Luce,

The vote by which the resolution was adopted this morning, relative to the pay of members during the adjournment provided for, was reconsidered.

On motion of Mr. Luce,

The resolution was laid on the table.

On motion of Mr. Chapin,

The Convention went into committee of the whole, on the general order,

Mr. Leach in the chair.

IN COMMITTEE OF THE WHOLE.

The committee resumed the consideration of the article entitled "Counties."

The pending question being on the amendment of Mr. P. D. Warner to amend section 10 by striking out from the word "tax," in the first line, to and including the word "board," in the second line, and insert "two thousand five hundred dollars;"

The amendment was not adopted.

The question recurring on the amendment of Mr. Holmes to strike out the words "and one-half;"

It was not adopted.

Mr. Blackman moved to amend by inserting in the first line of section 10, after the word "tax," the words "a sum not exceeding;"

Which motion did not prevail.

Mr. Williams moved to amend by striking out of second line of section 10, the words "as equalized by said board;"

Which motion did not prevail.

Section 11 being under consideration,

Mr. D. Goodwin moved to strike out from the third and fourth lines, the words "and the sums so fixed or defined shall be subject to no appeal."

Mr. Ferris moved to amend the amendment by inserting after the words "no appeal," in the fourth line, the words "but such adjustment may be reviewed on certiorati, for alleged errors of law."

Mr. Morton moved that the committee rise, report the article and amendments back to the Convention, asking concurrent therein, and recommend its passage;

Which motion did not prevail.

After further debate,

Mr. P. D. Warner moved that the committee rise, report progress, and ask leave to sit again.

The motion prevailed.

IN CONVENTION.

The committee, through the chairman, submitted the following report:

The committee of the whole have had under consideration Article —, of the Constitution, entitled "Counties;"

Have made some progress therein, but not having gone through therewith, have directed me to report that fact to the Convention, and ask leave to sit again.

D. C. LEACH, *Chairman.*

The report was accepted.

Leave was granted the committee to sit again.

On motion of Mr. Corbin,

The Convention adjourned.

TWENTY-NINTH DAY.

Lansing, Friday, June 21, 1867.

The Convention was called to order by the President at 9 o'clock A. M.

Prayer by Rev. Mr. Hickox.

Roll called: a quorum present.

Mr. Van Valkenburgh asked and obtained leave of absence for Mr. Harris, for an indefinite time, on account of sickness.

Mr. Woodhouse asked and obtained leave of absence for Mr. Longyear, for an indefinite time, on account of sickness.

Mr. Hazen asked and obtained leave of absence for himself, for an indefinite time, on account of sickness.

Mr. Corbin asked and obtained leave of absence for himself, for an indefinite time, on account of sickness in his family.

Mr. Root asked and obtained leave of absence for Mr. Thompson, for an indefinite time, on account of business.

Mr. McClelland asked and obtained leave of absence for himself, after to-day, until Tuesday night next, on account of indispensable business.

PRESENTATION OF PETITIONS.

By Mr. Howard: petition of Seymour Perry, John R. McFarlan, E. A. Sawyer and 20 others, voters of Grand Blanc, for a provision in the Constitution prohibiting the smoking of tobacco on the public streets of towns, villages and cities.

On motion of Mr. Leach,

The petition was laid on the table.

By Mr. Mussey: petition of Jos. W. Grath, J. Beebe, Alonzo Davey, and 48 men, and Mary Bennett, Minnie B. Warren, Eliza Davey, and 21 other ladies, citizens of Macomb county, praying that a provision be inserted in the new Constitution prohibiting the granting of license for the sale of intoxicating liquors.

Referred to the committee on intoxicating liquors.

By Mr. Walker: petition of R. Smith, Ellen Chapman, James D. Estes, Mrs. E. Krull, and 26 others, men, women and children of Michigan, praying for equal suffrage to men and women.

Referred to the committee on elections.

By Mr. Bradley: petition of U. Upjohn, M. D., J. S. Doolittle, R. Crosby, and 55 other men, and Mrs. C. Barnes, Mrs. S. A. Miller, Mrs. B. Crosby, and 21 other women, on the same subject.

Referred to the committee on elections.

By Mr. Germain: petition of J. C. Clark, A. D. Carpenter, and 54 other citizens of Ionia county, praying for the inserting of a clause in the new Constitution prohibiting the traffic in intoxicating drinks.

Referred to the committee on intoxicating liquors.

By Mr. Lamb: petition of Yates Furgeson, R. Furman, D. C. Brown, and 40 other men, and Mrs. Caroline R. Lamb, Mrs. Emma L. Bacon, Mrs. Louisa King, and 22 other women, asking for the exercise of the right to the elective franchise, for women, upon equal terms with that of man.

Referred to the committee on elections.

By Mr. Ferris: petition of George Gray and 14 other members of the bar of Kent county, that provision may be made in the new Constitution for the appointment of judges by the Governor, with the advice and consent of the Senate, and for the increase of salary.

So much as refers to the judiciary was referred to the committee on the judicial department.

So much as refers to salaries was referred to the committee on salaries.

The President announced the following communication:

CONSTITUTIONAL CONVENTION,
Lansing, Mich., June 21st, 1867. }

HON. CHAS. M. CROSWELL, *President Constitutional Convention, Lansing:*

SIR—I have the honor to transmit herewith, in pursuance of a resolution of the Convention, the names, ages, nativity, residence, postoffice address, profession and boarding place of the members of the Convention.

Very respectfully,

D. B. PURINTON,
Sergeant-at-Arms Constitutional Convention.

Mr. T. G. Smith moved that 500 copies of the communication be printed for the use of the Convention.

Mr. D. Goodwin moved that "500" be stricken out, and "200" inserted;

Which was accepted.

Mr. Holt moved to amend by adding "and printed in the journal;"

Which motion did not prevail.

The question recurring on the motion to print 200 copies,
It did not prevail.

On motion of Mr. Turner,

The communication was laid on the table, and ordered printed in the journal.

Hon. CHARLES M. CROSWELL, President, Lenawee County; Home Post Office, Adrian; Lodgings, Lansing House; Nativity, N. Y.; Profession, Lawyer; age, 41.

| NAME'S | County. | Home Post Office. | Lodgings. | Nativity. | Profession. | Age. |
|---------------------------|----------------|----------------------|--------------------|--------------------|------------------------|------|
| Aldrich, Levi..... | Cass..... | Edwardsburg..... | Lansing House..... | New York..... | Physician..... | 47 |
| Alexander, Lorenzo P..... | Berrien..... | Buchanan..... | "..... | "..... | Merchant..... | 48 |
| Andrus, William W..... | Macomb..... | Utica..... | "..... | "..... | Physician..... | 48 |
| Baker, William..... | Branch..... | Coldwater..... | "..... | Vermont..... | Merchant..... | 43 |
| Bills, Percy..... | Lenawee..... | Reemsen..... | "..... | "..... | Lawyer..... | 56 |
| Biley, James..... | Bay..... | Bay City..... | "..... | Kentucky..... | "..... | 49 |
| Blackman, Samuel H..... | Van Buren..... | Paw Paw..... | E. Davis..... | Ohio..... | "..... | 53 |
| Bradley, Asahel..... | Kalamazoo..... | Richland..... | Rev. Mr. Weed..... | New York..... | Clergyman..... | 55 |
| Brown, H. Milton P..... | Branch..... | Algonsee..... | Lansing House..... | New Jersey..... | Farmer..... | 54 |
| Burtonshaw, James..... | Eaton..... | Grand Ledge..... | H. Clippinger..... | New York..... | "..... | 53 |
| Cass, George F..... | Ononagon..... | Stanton..... | Mrs. Lemley..... | England..... | Merchant..... | 39 |
| Charlin, David C..... | Gratiot..... | Alma..... | H. P. Baker..... | Vermont..... | Furniture Dealer..... | 37 |
| Chapman, Bela..... | MacKinnon..... | Niles..... | Mrs. Bascom..... | New York..... | Lawyer..... | 50 |
| Cooldes, Henry H..... | Perren..... | Fort Huron..... | Lansing House..... | New Hampshire..... | Merchant..... | 74 |
| Conger, Omar D..... | St. Clair..... | Port Huron..... | Dr. Wright..... | Massachusetts..... | Lawyer..... | 56 |
| Crocker, William..... | Monroe..... | Petersburg..... | "..... | New York..... | Miscellaneous..... | 49 |
| Crocker, Thomas M..... | Macomb..... | Mc. Clemens..... | Lansing House..... | Vermont..... | Lawyer..... | 41 |
| Daniels, Nathaniel L..... | Clinton..... | W. Acousa..... | "..... | New York..... | Farmer..... | 51 |
| Desnoyers, Peter..... | Wayne..... | Perrott..... | "..... | Michigan..... | Farmer..... | 67 |
| Divine, John..... | Sauk..... | Lexington..... | "..... | Canada..... | Lawyer..... | 43 |
| Duncan, Delamare..... | Kalamazoo..... | Schoolcraft..... | S. R. Greene..... | New Hampshire..... | Farmer..... | 61 |
| Duncombe, Charles..... | Van Buren..... | Reeler..... | F. Davis..... | Canada..... | "..... | 45 |
| Elliott, Adam..... | Barry..... | Bickley Corners..... | American..... | England..... | "..... | 52 |
| Estee, Perry H..... | Isabella..... | Salt River..... | Lansing House..... | New York..... | Farmer..... | 42 |
| Farrer, William S..... | Barren..... | Sau Chive..... | "..... | New York..... | "..... | 51 |
| Ferris, Jacob..... | Kent..... | Grand Rapids..... | Mr. Padock..... | New York..... | Lawyer..... | 45 |
| Germann, George W..... | Ionia..... | North Plains..... | Mr. Ford..... | New York..... | Farmer..... | 49 |
| Giddings, Marsh..... | Kalamazoo..... | Kalamazoo..... | Lansing House..... | Connecticut..... | Lawyer..... | 50 |
| Goodwin, William F..... | Jackson..... | Concord..... | "..... | New York..... | Miller and Farmer..... | 54 |
| Goodwin, Daniel..... | Wayne..... | Detroit..... | "..... | New York..... | Lawyer..... | 67 |
| Haile, Robert F..... | Kalamazoo..... | Eagle River..... | "..... | New York..... | "..... | 36 |
| Haire, John..... | Ottawa..... | Gratiot..... | Lansing House..... | Ireland..... | Limberman..... | 46 |
| Harris, Edward P..... | Oakland..... | Rochester..... | American..... | Massachusetts..... | Lawyer..... | 64 |
| Hazen, Ezra..... | St. Clair..... | Marshall..... | Lansing House..... | New York..... | Miscellaneous..... | 49 |
| Henderson, Eden F..... | Calhoun..... | Marshall..... | "..... | New York..... | Farmer..... | 39 |
| Henkel, Peter..... | Wayne..... | Detroit..... | "..... | Germany..... | Merchant..... | 42 |

LIST—Continued.

| NAMES. | County. | Home Post Office. | Lodgings. | Nativity. | Profession. | Age. |
|-----------------------|-----------------|-------------------|----------------|----------------|------------------------|------|
| Hixon, Daniel. | Washtenaw. | Clinton. | Edgar House. | New York. | Farmer. | 64 |
| Holmes, Charles D. | Calhoun. | Albion. | Mr. Brisbin. | Massachusetts. | " | 52 |
| Holt, Henry H. | Muskegon. | Muskegon. | Lansing House. | New York. | Lawyer. | 34 |
| Howard, Sumner. | Genesee. | Flint. | H. R. Pratt. | Massachusetts. | " | 30 |
| Hull, Levi T. | St. Joseph. | Constantine. | Lansing House. | New York. | Printer. | 39 |
| Huston, Benjamin W. | Tuscola. | Vassar. | Lansing House. | New York. | Lawyer. | 36 |
| Ingalis, Eleazer S. | Menominee. | Menominee. | American. | New Hampshire. | Lawyer. | 47 |
| Jennison, Hiram. | Ottawa. | Lapeer. | E. Ford. | New Jersey. | Physician. | 44 |
| Kenney, Myron C. | " | Dryden. | Lansing House. | New Jersey. | Various. | 60 |
| Lamb, John M. | Livingston. | Fowlerville. | G. Fowler. | Massachusetts. | Farmer. | 55 |
| Lawrence, Benjamin W. | Grand Traverse. | Traverse City. | Mrs. Northrop. | New York. | " | 44 |
| Leach, Dewitt C. | Ingham. | Lansing. | Home. | New York. | Lawyer. | 46 |
| Longyear, John W. | Wayne. | Detroit. | Lansing House. | Massachusetts. | " | 49 |
| Lothrop, Geo. V. N. | Genesee. | Flint. | H. R. Pratt. | Connecticut. | " | 35 |
| Lovell, Henry R. | Branch. | Gilead. | Lansing House. | Ohio. | Farmer. | 42 |
| Luce, Cyrus G. | Wayne. | Detroit. | " | Pennsylvania. | Lawyer. | 59 |
| McClellan, Robert. | Oakland. | Pontiac. | " | New York. | Merchant. | 53 |
| McConnell, Willard M. | Houghton. | Houghton. | " | New York. | Carpenter & Millwright | 52 |
| Mckernan, John Q. | St. Clair. | St. Clair. | Lansing House. | " | Lawyer. | 53 |
| Miles, Marcus H. | Saginaw. | Saginaw City. | Rev. Mr. Weed. | New Jersey. | Farmer. | 63 |
| Miller, Hiram L. | Monroe. | Monroe. | Dr. Wright's. | Vermont. | Printer. | 50 |
| Morton, Edward G. | Monroe. | Lisbon. | Dr. Bailey. | New York. | Farmer. | 48 |
| Murray, Lyman. | Kent. | Romeo. | Lansing House. | Massachusetts. | Miscellaneous. | 56 |
| Mussey, Dexter. | Macomb. | Charlotte. | " | Pennsylvania. | Banker. | 56 |
| Musgrave, Joseph. | Eaton. | Ypsilanti. | " | Maryland. | Lawyer. | 51 |
| Ninde, Thomas. | Washtenaw. | " | " | New York. | " | 43 |
| Norris, Lyman D. | Washtenaw. | Corunna. | " | " | " | 40 |
| Parsons, S. Titus. | Shiawassee. | Hillsdale. | " | Massachusetts. | " | 46 |
| Pratt, Daniel L. | Hillsdale. | Jackson. | Home. | New York. | " | 40 |
| Pringle, Eugene. | Wayne. | Detroit. | Lansing House. | Ireland. | Moulder. | 49 |
| Purcell, William. | Wayne. | Monroe. | Vandriess. | Michigan. | Law Student. | 26 |
| Rafter, William A. | Monroe. | Ann Arbor. | Lansing House. | New York. | Banker. | 45 |
| Richmond, Charles H. | Washtenaw. | Ann Arbor. | " | " | Physician. | 41 |
| Root, Simeon P. | Hillsdale. | Comers. | " | " | Farmer. | 44 |
| Root, Jacob C. | Lenawee. | Hudson. | F. Davis. | " | " | 72 |
| Sawyer, Jacob P. | Wayne. | Plymouth. | Edgar House. | Massachusetts. | " | 54 |
| Shearer, Jonathan. | Wayne. | Blissfield. | Geo. Fowler. | New York. | Shoemaker. | 54 |
| Sheldon, Horace J. | Lenawee. | | | | | |

| | | | | | | |
|---------------------------------------|---------------|---------------|-----------------|----------------|--------------------|----|
| Smith, Thaddeus G. | Genesee | Fentonville, | Lansing House, | New York | Lawyer, | 39 |
| Smith, William A. | Wayne | Redford, | Edgar House, | " | Farmer, | 51 |
| Stockwell, Martin P. | Lenawee | Dover, | F. Davis, | " | " | 48 |
| Stoughton, William I. | St. Joseph, | Sturgis, | Lansing House, | " | Lawyer, | 40 |
| Sutherland, Jacob G. | Saginaw, | Saginaw, | J. Bascom, | " | " | 41 |
| Thompson, Lewis J. | Hillsdale, | North Adams, | Mr. Camp, | " | Farmer, | 53 |
| Turner, Josiah | Shiawassee, | Ontonagon, | Lansing House, | Vermont, | Lawyer, | 56 |
| Tyler, Comfort S. | St. Joseph, | Ontonagon, | Mr. Clippinger, | New York, | Farmer, | 66 |
| Van Riper, Jacob J. | Newaygo, | Big Prairie, | Mr. Clippinger, | " | Lumberman, | 38 |
| Van Valkenburgh, Jacob | Cass, | White Lake, | Lansing House, | " | Lawyer, | 29 |
| Walker, A. H. | Oakland, | St. Johns, | Amesbury House, | Rhode Island, | Lawyer, | 72 |
| Warner, P. Dean | Oakland, | Farmington, | T. Ford, | New York, | Miscellaneous, | 65 |
| Watkins, William E. | Wayne | Detroit, | Edgar House, | " | Merchant, | 45 |
| Watkins, Milton C. | Kent, | Grattan, | Dr. Bailey, | Vermont, | Register of Deeds, | 61 |
| White, George | Jackson, | Norvell, | Lansing House, | New Hampshire, | Farmer, | 86 |
| Whelan, Edwin B. | Allegan, | Wayland, | S. R. Greene, | New York, | Clergyman, | 32 |
| Whitely, Richard | Calhoun, | Battle Creek, | Lansing House, | Vermont, | Farmer, | 43 |
| Whitely, Solomon G. | Huron, | Huron City, | " | New York, | Merchant, | 40 |
| Williams, William B. | Kent, | Grand Rapids, | " | Canada West, | Lawyer, | 29 |
| Williams, Lemuel | Allegan, | Dansville, | " | Vermont, | Lawyer, | 41 |
| Wright, Harvey | Barry, | Mudville, | " | New York, | Merchant, | 40 |
| Yoncas, Sanford A. | Ionla, | Ionla, | T. Ford, | " | Lawyer, | 37 |
| Secretary, Thos. H. Glenn | Berrien, | Niles, | Lansing House, | " | Farmer, | 30 |
| 1st Asst. Secretary, G. X. M. Collier | Oakland, | Pontiac, | " | Delaware, | Printer, | 29 |
| 2d Asst. Secretary, T. P. Miles | St. Clair, | St. Clair, | " | New Hampshire, | Lawyer, | 27 |
| Official Reporters, W. Blair Lord | New York City | New York City | " | Michigan, | Clerk, | 40 |
| " | Philadelphia, | Philadelphia, | " | Maine, | Reporter, | 32 |
| " | Branch, | Coldwater, | American, | Pennsylvania, | " | 38 |
| Sergeant-at-Arms, D. B. Purinton | Ingham, | Lansing, | Hone | New York, | Miscellaneous, | 28 |
| 1st Asst. " H. H. Seaver | Lenawee, | Adrian, | Mr. Potters, | " | Merchant, | 28 |
| 2d Asst. " H. H. Seaver | Lenawee, | Saginaw, | Mr. Potters, | Germany, | Builder, | 56 |
| Firemen, Bernhardt Rice | Ingham, | Lansing, | Hone | Canada, | Confectioner, | 30 |
| Printers, Messenger, Chas. A. Avery | Lenawee, | Adrian, | Mr. Carr, | New York, | Wagon Maker, | 16 |
| Seay's " " " " " " " " " " " " | Ingham, | Lansing, | Mr. Potter, | Michigan, | " | 16 |
| Massengers, Claude S. Martin | Washington, | Dexter, | Mr. Bingham, | " | " | 14 |
| " George H. Seymour | Kent, | Grand Rapids, | Mr. Carr, | " | " | 14 |
| " Chancey S. Wright | Genesee, | Fentonville, | Hone | New York, | " | 13 |
| " Willie Elder | Ingham, | Lansing, | Lansing House, | Michigan, | " | 13 |
| " Frederick S. Smith | Hillsdale, | Somerses, | Mr. Clippinger, | " | " | 12 |
| " Cyrus W. Utley | Newaygo, | Big Prairie, | " | " | " | 12 |

MOTIONS AND RESOLUTIONS.

Mr. P. D. Warner offered the following resolution, which was unanimously adopted:

Resolved, That the use of Representative Hall be tendered to the ladies of Lansing for this evening, to be used in connection with the Senate Chamber, for a social entertainment in behalf of the members of the Convention.

Mr. Conger offered the following resolution:

Resolved, That this Convention accept the courteous invitation of the committee of arrangements of the Michigan Soldiers' Monument Association, to this Convention to be present at the ceremony of laying the corner stone of the Soldiers' Monument, in the city of Detroit, on the fourth day of July next; and that the President of the Convention communicate to the committee of arrangements, the decision of the Convention and the thanks of its members for this courteous invitation.

The resolution was unanimously adopted.

Mr. Ferris offered the following resolution:

Resolved, That the petition respecting smoking tobacco be taken from the table and referred to a select committee of three.

The question, being on the adoption of the resolution,

Mr. Howard demanded the yeas and nays.

The demand was not sustained.

The resolution was then adopted.

On motion of Mr. Mussey,

The Convention went into committee of the whole on the general order,

Mr. Leach in the chair.

IN COMMITTEE OF THE WHOLE.

The committee resumed the consideration of the Article entitled "Counties."

The pending question being on the motion of Mr. D. Goodwin to strike out from the third and fourth lines, the words "and the sums so fixed or defined shall be subject to no appeal,"

Mr. Sutherland moved to amend the amendment by inserting in the place of the words proposed to be stricken out, "subject to such revision by any court of competent jurisdiction, as shall be prescribed by law;"

Which was accepted.

Mr. Conger moved as a substitute for the motions pending, to add after the word "appeal," the words, "except in cases specially provided for by law."

The substitute was not adopted.

The question being on the motion of Mr. Ferris to amend the amendment by inserting after the words "no appeal," in the fourth line, the words "but such adjustment may be reviewed on certiorari, for alleged errors of law,"

It was not agreed to.

The question recurring on the motion of Mr. D. Goodwin as modified,

Mr. P. D. Warner called for a division of the question.

The question being on striking out,

It did not prevail.

Mr. Pringle moved to amend section 11, line 1, by striking out the words "or in the county of Wayne the board of county auditors."

Mr. Richmond offered the following amendment:

Amend section 11, first line, by striking out the words "the county of Wayne the," and insert "such counties as the Legislature may authorize to elect a."

The amendment of Mr. Pringle was withdrawn.

Mr. McClelland moved to amend the amendment of Mr. Richmond so that it shall read as follows: "And such other counties as may be authorized;"

Which was agreed to.

The amendment as amended was then adopted.

Mr. Luce moved to amend the section by adding after the word "provide," in the second line, the words "by law;"

Which was agreed to.

Mr. Richmond moved to amend section 11 by striking out of

the second line, the words "except as otherwise provided by law," and adding after "appeal," in the fourth line, the words "except as otherwise provided by law."

Mr. Lamb moved that the committee rise, report progress, and ask leave to sit again;

Which motion did not prevail.

Mr. Williams moved that the committee rise, report the article and amendments back to the Convention, asking concurrence therein, and recommend its passage.

The motion prevailed.

IN CONVENTION.

The committee, through the chairman, submitted the following report:

The committee of the whole have had under consideration Article —, of the Constitution, entitled "Counties;"

Have made sundry amendments thereto, and have directed their chairman to report the same back to the Convention, asking concurrence therein, and recommend its passage.

D. C. LEACH, *Chairman*.

Pending the question of concurring in the amendments made to the article in committee of the whole,

The President, by unanimous consent, announced the following:

To HON. CHARLES M. CROSSWELL, *President of the Constitutional Convention*:

SIR—The ladies of the city of Lansing present their compliments to the Constitutional Convention, over which you have the honor to preside, and invite, respectfully and cordially, the Convention to a social entertainment to be given at 8 o'clock this (Friday) evening, June 21, 1867, in the Senate Chamber.

Very respectfully,

LADIES OF LANSING.

LANSING, June 21, 1867.

On motion of Mr. P. Dean Warner,

The Convention took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

2 o'clock P. M.

The Convention was called to order by the President.

Roll called: a quorum present.

Mr. Leach, with unanimous consent, offered the following resolution, which was unanimously adopted:

Resolved, That we accept the polite invitation of the ladies of Lansing to attend the social entertainment to be given by them this evening, and that we return them our sincere and hearty thanks for this effort to promote our enjoyment.

Mr. Williams asked and obtained leave of absence for himself, until Thursday next, on account of official business.

The Convention resumed the consideration of Article —, entitled "Counties."

The question being on concurring in the amendment made to the article in committee of the whole,

Mr. Lovell moved that the article as amended be printed in the journal;

Which motion did not prevail.

The question being on concurring in the amendment made by the committee to section 1,

It was not concurred in.

The question being on concurring in the amendment made by the committee to section 3,

It was concurred in.

The question being on concurring in the amendment made by the committee to section 5,

It was concurred in.

The question being on concurring in the amendment made by the committee to section 9,

Mr. Huston demanded the yeas and nays;

The demand being supported, the amendment was concurred in, the following being the vote thereon:

YEAS.

Mr. Aldrich,
Alexander,
Andrus,

Mr. Elliott,
Farmer,
Germain,

Mr. Mussey,
Musgrave,
Root,

| | | |
|-------------|----------------|-----------------|
| Barber, | W. F. Goodwin, | Sawyer, |
| Bills, | Henderson, | Sheldon, |
| Blackman, | Holmes, | Stockwell, |
| Bradley, | Howard, | Utley, |
| Brown, | Lamb, | Van Valkenburg, |
| Burtenshaw, | Lawrence, | Walker, |
| Chapman, | Leach, | P. D. Warner, |
| Coolidge, | Lovell, | Willard, |
| Conger, | Luce, | Williams, |
| Crocker, | McConnell, | Winsor, |
| Duncan, | McKernan, | Yeomans, |
| Duncombe, | | |

43

NAYS.

| | | |
|-------------|-----------------|----------------|
| Mr. Case, | Mr. McClelland, | Mr. Stoughton, |
| Daniells, | Miles, | Sutherland, |
| Desnoyers, | Miller, | Turner, |
| Divine, | Morton, | Tyler, |
| Estee, | Murray, | W. E. Warner, |
| Ferris, | Ninde, | M. C. Watkins, |
| D. Goodwin, | Pringle, | White, |
| Holt, | Richmond, | Winans, |
| Huston, | T. G. Smith, | Woodhouse, |
| Kenney, | W. A. Smith, | President, |

30

The question being on concurring in the amendment of Mr. Luce, made in committee of the whole, to section 11;

It was concurred in.

The question being on concurring in the amendment of Mr. McClelland, made in committee of the whole, to section 11;

It was concurred in.

Mr. Conger moved to further amend section 11 by adding after the word "appeal," in the fourth line, the words "except in special cases provided by law."

Mr. D. Goodwin moved to amend the amendment by striking out the word "special;"

Which was accepted.

The question recurring on the amendment as modified,

Mr. D. Goodwin demanded the yeas and nays.

Mr. Sutherland moved a call of the Convention.

The call being had, Messrs. Hixson and Rafter were reported absent without leave.

On motion of Mr. Aldrich,

All further proceedings under the call were dispensed with.

Mr. Case moved to amend the amendment to section 11, by inserting in line four, after the word "appeal," the words, "except as to the legality of such claims;"

Which motion did not prevail

The question recurring on the amendment of Mr. Conger, the demand for the yeas and nays was supported, and the amendment was not adopted, the following being the vote thereon:

YEAS.

| | | |
|----------------|-----------------|-----------------|
| Mr. Alexander, | Mr. D. Goodwin, | Mr. Root, |
| Bills, | Lovell, | T. G. Smith, |
| Blackman, | McKernan, | W. A. Smith, |
| Bradley, | Miles, | Stoughton, |
| Coolidge, | Miller, | Sutherland, |
| Conger, | Morton, | Turner, |
| Crocker, | Mussey, | Van Valkenburg, |
| Daniells, | Ninde, | W. E. Warner, |
| Desnoyers, | Norris, | Williams, |
| Ferris, | Richmond, | Woodhouse, 30 |

NAYS.

| | | |
|--------------|--------------------|----------------|
| Mr. Aldrich, | Mr. W. F. Goodwin, | Mr. Pringle, |
| Andrus, | Henderson, | Sawyer, |
| Barber, | Holmes, | Sheldon, |
| Brown, | Holt, | Stockwell, |
| Burtenshaw, | Howard, | Tyler, |
| Case, | Huston, | Utley, |
| Chapin, | Kenney, | Walker, |
| Chapman, | Lamb, | P. D. Warner, |
| Divine, | Lawrence, | M. C. Watkins, |
| Duncan, | Leach, | White, |
| Duncombe, | Luce, | Willard, |
| Elliott, | McClelland, | Winans, |
| Estee, | McConnell, | Winsor, |
| Farmer, | Murray, | Yeomans, |
| Germain, | Musgrave, | 44 |

Mr. W. E. Warner moved to strike out in the 1st and 3d lines of section 3, the words, "sixteen towns," and insert in lieu thereof "400 square miles."

Mr. W. E. Warner demanded the yeas and nays;

The demand was supported, and the amendment was not concurred in, the following being the vote thereon:

YEAS.

| | | |
|-------------|--------------|------------------|
| Mr. Andrus, | Mr. Lamb, | Mr. W. A. Smith, |
| Bills, | Lovell, | Sutherland, |
| Blackman, | Mussey, | Turner, |
| Bradley, | Ninde, | Tyler, |
| Coolidge, | Pringle, | P. D. Warner, |
| Crocker, | Rafter, | W. E. Warner, |
| Duncan, | Sawyer, | M. C. Watkins, |
| Holmes, | Sheldon, | White, |
| Huston, | T. G. Smith, | Willard, 27 |

NAYS.

| | | |
|--------------|----------------|----------------|
| Mr. Aldrich, | Mr. Farmer, | Mr. Murray, |
| Alexander, | Ferris, | Musgrave, |
| Barber, | Germain, | Root, |
| Brown, | W. F. Goodwin, | Stockwell, |
| Burtenshaw, | Henderson, | Stoughton, |
| Case, | Howard, | Utley, |
| Chapin, | Kenney, | Van Valkenburg |
| Chapman, | Lawrence, | Walker, |
| Conger, | Leach, | Winans, |
| Daniells, | Luce, | Winsor, |
| Divine, | McClelland, | Williams, |
| Duncombe, | McConnell, | Woodhouse, |
| Elliott, | McKernan, | Yeomans, |
| Estee, | Miller, | President, 4 |

Mr. Stoughton moved to insert after the word "tax," in the 1st line of section 10, the words "a sum not exceeding;"

Which motion prevailed.

Mr. Luce moved to amend section 3 by inserting after the word "in," where it first occurs in the fourth line, the words "the county or;"

Which motion prevailed.

Mr. Stoughton moved to further amend section 10 by adding thereto the following:

"The board of supervisors of any county may authorize a like tax to be raised in any township or townships of such county which may be intersected by or lie upon any of the rivers of the State, for the purpose of constructing or repairing bridges across such rivers;"

Which was not adopted.

Mr. Daniells moved to add to section 7 the following:

“Among which shall be appellate jurisdiction and review of all cases tried in the circuit and supreme courts;”

Which motion did not prevail.

Mr. W. A. Smith moved to strike out “16,” in first and third lines of section 3, and insert in lieu thereof “12,” in each of said lines;”

Which motion did not prevail.

Mr. Holt moved to amend section 4 by adding at the end thereof the following:

“And when so united, the officer holding the same shall be known as the county clerk and register of deeds;”

Which was not agreed to.

Mr. Holt offered the following substitute for section 11:

“The board of supervisors, or the board of county auditors in the county of Wayne, and such counties as the Legislature may provide for the election thereof, shall, except as otherwise provided for by law, have power to prescribe the compensation due for all services rendered for and adjust all claims against their respective counties, and such determination and adjustment shall be subject to no appeal; supervisors shall receive for their services such compensation as shall be provided by law.”

Pending which,

On motion of Mr. Turner,

The Convention adjourned.

THIRTIETH DAY.

Lansing, Saturday, June 22, 1867.

The Convention was called to order by the President, at 9 o'clock A. M.

Prayer by Rev. Mr. Hickox.

Roll called: a quorum present.

Mr. Richmond asked and obtained leave of absence for Mr. Hixon, until Tuesday next, on account of important business elsewhere.

Mr. Southerland asked and obtained leave of absence for himself, until Tuesday next, on account of official business.

Mr. D. Goodwin asked and obtained leave of absence for himself, until Tuesday next, on account of official business.

Mr. Crocker asked and obtained leave of absence for himself, for an indefinite time, on account of official business.

Mr. Divine asked and obtained leave of absence for himself, after to-day, for an indefinite time, on account of important business.

PRESENTATION OF PETITIONS.

By Mr. Sutherland: petition of H. H. Smith, J. T. Symes and 88 others, of St. Charles, Saginaw county, asking for repeal of section 47, article 4, of the present Constitution, and for the adoption of a secure license system;

By the same: petition of I. K. Franklin, H. H. Hallock, Rev. J. S. Goodman, and 836 other residents of East Saginaw, praying that section 47, article 4, of the present Constitution, be retained in the new instrument.

Referred to the committee on intoxicating liquors.

By Mr. Sheldon: petition of J. S. Hodges and 160 others, of Lenawee county, for prohibition.

Referred to the committee on intoxicating liquors.

By Mr. Case: petition of Mrs. M. Ruttan, Mrs. C. C. Ellsworth, Mrs. E. Shearer, Mrs. E. D. Coon, Mrs. N. Slaght, Mrs. J. Griffith, Mrs. E. F. Grabrill, and 40 other ladies of Greenville, Montcalm county, praying that section 47, article 4, of the present Constitution, be retained in the new instrument.

Referred to the committee on intoxicating liquors.

By Mr. White: petition of H. J. Cushman, C. C. White, Jas. House, Geo. H. Anderson and 52 others, legal voters of the town of Gun Plains, Allegan county, on the same subject;

By the same: petition of Hon. J. M. Gregory, Rev. Samuel Haskell, Rev. J. C. Clark, Rev. J. C. Pattengill, Rev. H. J. Hull, J. D. Bixby, C. D. Hanscomb, and 52 others, legal voters of Kalamazoo, on the same subject;

By the same: petition of G. W. Pratt, P. Williams and 11 others, legal voters of the town of Gun Plains, Allegan county, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. Blackman: petition of Rev. L. Q. Galpin and 31 others, citizens of Van Buren county, in favor of prohibiting the licensing of the sale of intoxicating liquors.

Referred to the committee on intoxicating liquors.

By Mr. Utley: petition of Hon. William T. Howell, Hon. John H. Standish, A. H. Giddings, W. D. Fuller, Edgar L. Gray, James Barton, the entire bar of the county of Newaygo, praying that the judges of the Supreme and Circuit Courts may be appointed by the Governor, by and with the consent of the Senate; that their terms of office may be extended, and their salaries increased.

So much as relates to the judiciary was referred to the committee on the judicial department.

So much as relates to salaries was referred to the committee on salaries.

By Mr. Norris: petition of E. Samson, and 22 men, Mrs. G. W. Vail, and 26 women, residents of Ypsilanti, protesting against any change in the Constitution of the State which shall allow the Legislature to protect the sale of spirituous and malt liquors by the solemn sanctions of law.

Referred to the committee on intoxicating liquors.

By Mr. Thompson: petition of Geo. C. Wyllis and 40 others, legal voters of the township of Moscow, Hillsdale county, praying that 'section 47, article 4, of the present Constitution, be retained in the new one.

Referred to the committee on intoxicating liquors.

By Mr. Winans: petition of H. E. Avery, L. Herrington, Jos. Brown and 34 others, of the township of Marion, Livingston county, that fines incurred be credited to the poor fund.

Referred to the committees on education and finance and taxation, jointly.

REPORTS, OF SELECT COMMITTEES.

By the committee on State officers:

The committee on State officers, to whom was referred the following resolution, viz:

Resolved, That the committee on State officers be instructed to inquire into the propriety of inserting in the Constitution some such provisions as are contained in the following article:

There shall be a Board of Governors of Prisons, who shall have the charge and superintendence of the State Prisons, and power to appoint the wardens or principal keepers thereof, and the chaplains, clerks and physicians therein, and the power of removing, for cause, the officers above named and the other officers in the same. They shall also have the superintendence, with power of visitation, of all institutions for the reformation of juvenile delinquents and the prevention of crime. Said board shall consist of five persons, to be appointed by the Governor, by and with the consent of the Senate, who shall hold office for ten years, except that the persons first appointed shall, in such manner as the Legislature may direct, be so classified that the term of one of the persons, so appointed, shall expire at the end of each two years during the first ten years. They shall receive such compensation as shall be established by law.

The Legislature may confer such powers and impose such duties upon the Board of Governors in respect to the county jails, local or district penitentiaries, and other penal institutions within the State, as shall be deemed expedient;

Having had the same under consideration, have Directed me most respectfully to report that, after a careful examination of the facts, with which the committee was kindly furnished by the mover of the resolution, tending to illustrate the great importance of the subject referred; but believing the question presented in the resolution to be one that may be fully provided for by the Legislature without any special constitutional provision, your committee have, therefore, by unanimous concur-

rence, instructed me to report the resolution back to the Convention, with the recommendation that it do lie upon the table.

P. DEAN WARNER, *Chairman.*

Report accepted and committee discharged.

The report was laid on the table, and ordered printed in the journal.

COMMUNICATIONS FROM STATE OFFICERS.

The President announced the following:

AUDITOR GENERAL'S OFFICE, }
Lansing, June 17, 1867. }

HON. C. M. CROSWELL, *President of the Constitutional Convention:*

SIR—In compliance with a resolution of the Convention, adopted on the 14th inst., I have the honor to submit the following statement of appropriations, (in addition to the income of the endowment fund,) for the support of the State Normal School:

| | |
|-------------------------|----------|
| For the year 1853,..... | *\$5,000 |
| “ 1854,..... | 2,000 |
| “ 1855,..... | 7,000 |
| “ 1856,..... | 6,000 |
| “ 1857,..... | 7,000 |
| “ 1858,..... | 6,000 |
| “ 1859,..... | 7,000 |
| “ 1860,..... | 6,000 |
| “ 1861,..... | 6,500 |
| “ 1862,..... | 6,500 |
| “ 1863,..... | 6,500 |
| “ 1864,..... | 6,500 |
| “ 1865,..... | 7,500 |
| “ 1866,..... | 7,500 |
| “ 1867,..... | 10,000 |
| “ 1868,..... | 10,000 |

Very respectfully,

H. R. PRATT, *Deputy Auditor General.*

*Includes \$3,000 for books and apparatus.

The communication was laid on the table, and ordered spread at large upon the Journal.

MOTIONS AND RESOLUTIONS.

Mr. Daniells offered the following resolution:

Resolved, That one thousand extra copies of yesterday's journal be ordered printed for the use of the Convention.

Mr. Williams moved to amend the resolution by adding, that the report of the Sergeant-at-Arms contained therein shall be printed on separate paper.

After some debate, the amendment was withdrawn.

Mr. D. Goodwin renewed it.

Mr. Daniells accepted the amendment, and the question recurring on the resolution as modified, it was not adopted.

Mr. Ferris offered the following resolution:

Resolved, That five hundred extra copies of yesterday's journal be ordered printed for the use of the Convention.

The resolution was not adopted.

The President announced the following select committee on the subject of smoking in public streets:

Messrs. Ferris, Lovell and Daniells.

The Convention resumed the order of

UNFINISHED BUSINESS,

Being the consideration of Article —, entitled "Counties."

The question being on the substitute for section 11, offered by Mr. Holt,

Mr. Chapin offered the following amendment to the substitute:

But except for salaries there shall be a right of appeal to the circuit court, in behalf of the county or the claimant, in all cases in which the amount shall exceed one hundred and fifty dollars, and the Legislature shall regulate the manner of claiming and prosecuting such appeal.

Mr. Ferris offered the following amendment to the section:

Insert after the words "no appeal," in the fourth line of section 11, the words, "but such adjustment may be reviewed on certiorari, for errors of law;"

Pending which,
On motion of Mr. Van Valkenburgh,
The Convention took a recess until 3 o'clock P. M.

—
AFTERNOON SESSION.

3 o'clock P. M.

The Convention was called to order by the President.

Roll called: a quorum present.

Mr. Miller asked and obtained leave of absence for Mr. Bradley, for to-day.

Mr. Daniell's asked and obtained leave of absence for Mr. Miller, for an indefinite time.

The Convention resumed the order of

UNFINISHED BUSINESS,

Being the consideration of Article —, entitled "Counties."

Section 11 being under consideration, and

The question being on the amendment of Mr. Ferris,

Mr. Thompson demanded the previous question.

The demand was not sustained.

Mr. Ferris demanded the yeas and nays on the amendment.

The demand was supported, and the amendment was not adopted, the following being the vote thereon:

YEAS.

| | | |
|---------------|---------------|----------------|
| Mr. Blackman, | Mr. McKernan, | Mr. Turner, |
| Case, | Miller, | Tyler, |
| Conger, | Morton, | Utle, |
| Estee, | Murray, | M. C. Watkins, |
| Ferris, | Norris, | Woodhouse, |
| Huston, | Sawyer, | President, |
| Lamb, | | |

19

NAYS.

| | | |
|--------------|----------------|---------------|
| Mr. Aldrich, | Mr. Giddings, | Mr. Richmond, |
| Alexander, | W. F. Goodwin, | Root, |
| Andrus, | Henderson, | Sheldon, |
| Barber, | Holmes, | T. G. Smith, |
| Bills, | Holt, | W. A. Smith, |
| Brown, | Howard, | Stockwell, |

| | | |
|-------------|------------|-----------------|
| Burtenshaw, | Kenney, | Stoughton, |
| Chapin, | Lawrence, | Thompson, |
| Chapman, | Leach, | Van Valkenburg, |
| Coolidge, | Lovell, | P. D. Warner, |
| Daniells, | Luce, | W. E. Warner, |
| Desnoyers, | McConnell, | F. C. Watkins, |
| Divine, | Miles, | White, |
| Duncan, | Mussey, | Willard, |
| Duncombe, | Musgrave, | Winans, |
| Elliott, | Ninde, | Winsor, |
| Farmer, | Pringle, | Yeomans, |
| Germain, | Rafter, | |

53

The question recurring on the amendment of Mr. Chapin, to
to the substitute,

Mr. W. E. Warner demanded the yeas and nays;

The demand was supported, and the amendment was not
adopted, the following being the vote thereon:

YEAS.

| | | |
|------------|--------------|------------------|
| Mr. Bills, | Mr. Huston, | Mr. W. A. Smith, |
| Blackman, | Lovell, | Stoughton, |
| Chapin, | Morton, | Turner, |
| Chapman, | Ninde, | Van Valkenburg, |
| Coolidge, | Norris, | W. E. Warner, |
| Conger, | Rafter, | Woodhouse, |
| Daniells, | Richmond, | President, |
| Desnoyers, | T. G. Smith, | |

23

NAYS.

| | | |
|----------------|----------------|----------------|
| Mr. Aldrich, | Mr. Henderson, | Mr. Pringle, |
| Alexander, | Holmes, | Root, |
| Andrus, | Holt, | Sawyer, |
| Barber, | Howard, | Sheldon, |
| Brown, | Kenney, | Stockwell, |
| Burtenshaw, | Lamb, | Thompson, |
| Case, | Lawrence, | Tyler, |
| Divine, | Leach, | Utley, |
| Duncan, | Luce, | P. D. Warner, |
| Duncombe, | McConnell, | M. C. Watkins, |
| Elliott, | McKernan, | F. C. Watkins, |
| Estee, | Miles, | White, |
| Farmer, | Miller, | Willard, |
| Ferris, | Murray, | Winans, |
| Germain, | Mussey, | Winsor, |
| Giddings, | Musgrave, | Yeomans, |
| W. F. Goodwin, | | |

49

The question recurring on the substitute of Mr. Holt,

Mr. Giddings demanded the yeas and nays;

The demand was supported, and the substitute was adopted
the following being the vote thereon:

YEAS.

| | | |
|-------------|-------------|----------------|
| Mr. Barber, | Mr. Howard, | Mr. Sheldon, |
| Blackman, | Kenney, | T. G. Smith, |
| Brown, | Lamb, | W. A. Smith, |
| Burtenshaw, | Lawrence, | Stockwell, |
| Case, | Leach, | Thompson, |
| Desnoyers, | Luce, | Tyler, |
| Duncan, | McConnell, | Utley, |
| Duncombe, | McKernan, | P. D. Warner, |
| Elliott, | Morton, | F. C. Watkins, |
| Estee, | Murray, | Willard, |
| Farmer, | Musgrave, | Winans, |
| Germain, | Richmond, | Winsor, |
| Henderson, | Root, | Yeomans, |
| Holt, | Sawyer, | President, 42 |

NAYS.

| | | |
|--------------|----------------|-----------------|
| Mr. Aldrich, | Mr. Divine, | Mr. Ninde, |
| Alexander, | Ferris, | Norris, |
| Andrus, | Giddings, | Rafter, |
| Bills, | W. F. Goodwin, | Stoughton, |
| Chapin, | Huston, | Turner, |
| Chapman, | Lovell, | Van Valkenburg, |
| Coolidge, | Miles, | W. E. Warner, |
| Conger, | Miller, | White, |
| Daniells, | Mussey, | 26 |

Mr. P. D. Warner moved to amend section 10 by inserting in
in line 3, after the word "sum," the words "than five thou-
sand dollars;"

Which was not adopted.

Mr. W. E. Warner moved to strike out section 3;

Mr. Blackman offered the following amendment to section 3:

Strike out the word "affected," in line four, and insert in
lieu thereof in the same line, after the word "thereby," the
words "so reduced below sixteen townships."

Mr. Ferris demanded the yeas and nays;

The demand was supported, and the amendment was adopted,
the following being the vote thereon.

YEAS.

| | | |
|--------------|--------------|-----------------|
| Mr. Aldrich, | Mr. Lovell, | Mr. Turner, |
| Bills, | Luce, | Tyler, |
| Blackman, | McConnell, | Van Valkenburgh |
| Brown, | McKernan, | P. D. Warner, |
| Burtenshaw, | Miles, | W. E. Warner, |
| Case, | Ninde, | M. C. Watkins, |
| Duncan, | Sawyer, | F. C. Watkins, |
| Ferris, | T. G. Smith, | White, |
| Huston, | Stockwell, | Willard, |
| Lamb, | Stoughton, | Winsor, |
| Leach, | | |

31

NAYS.

| | | |
|----------------|----------------|--------------|
| Mr. Alexander, | Mr. Estee, | Mr. Murray, |
| Andrus, | Farmer, | Musgrave, |
| Barber, | Germain, | Root, |
| Chapman, | Giddings, | Sheldon, |
| Conger, | W. F. Goodwin, | W. A. Smith, |
| Desnoyers, | Henderson, | Thompson, |
| Divine, | Kenney, | Utley, |
| Duncombe, | Lawrence, | Winans, |
| Elliott, | Miller, | President, |

27

Mr. Rafter moved that the Convention adjourn;

Which motion did not prevail.

Mr. Bills offered the following substitute for section 3.

“Counties may be organized, re-organized, divided or subdivided in such manner as shall be provided by law.”

Mr. Utley demanded the yeas and nays;

The demand was supported, and the substitute was not adopted, the following being the vote thereon:

YEAS.

| | | |
|------------|-------------|------------------|
| Mr. Bills, | Mr. Lovell, | Mr. T. G. Smith, |
| Blackman, | McConnell, | Stoughton, |
| Chapman, | McKernan, | Turner, |
| Coolidge, | Norris, | W. E. Warner, |
| Giddings, | Sawyer, | Willard, |
| Huston, | Sheldon, | |

17

NAYS.

| | | |
|--------------|----------------|-------------|
| Mr. Aldrich, | Mr. Farmer, | Mr. Rafter, |
| Alexander, | Ferris, | Root, |
| Andrus, | Germain, | Stockwell, |
| Barber, | W. F. Goodwin, | Thompson, |

| | | |
|-------------|------------|-----------------|
| Brown, | Henderson, | Tyler, |
| Burtenshaw, | Holt, | Utley, |
| Case, | Kenney, | Van Valkenburg, |
| Conger, | Lawrence, | P. D. Warner, |
| Desnoyers, | Leach, | M. C. Watkins, |
| Divine, | Luce, | F. C. Watkins, |
| Duncan, | Miles, | White, |
| Duncombe, | Miller, | Winans, |
| Elliott, | Murray, | Yeomans, |
| Estee, | Ninde, | President, 42 |

The question recurring on the motion of Mr. W. E. Warner to strike out section 3,

Mr. W. F. Goodwin demanded the yeas and nays;

The demand was supported, and the motion did not prevail, the following being the vote thereon:

YEAS.

| | | |
|------------|-------------|------------------|
| Mr. Bills, | Mr. Lovell, | Mr. T. G. Smith, |
| Blackman, | McKernan, | Stoughton, |
| Coolidge, | Norris, | Turner, |
| Huston, | Sawyer, | W. E. Warner, |
| Lamb, | Sheldon, | Willard, 15 |

NAYS.

| | | |
|--------------|----------------|-----------------|
| Mr. Aldrich, | Mr. Germain, | Mr. Root, |
| Andrus, | Giddings, | Stockwell, |
| Barber, | W. F. Goodwin, | Thompson, |
| Brown, | Henderson, | Tyler, |
| Burtenshaw, | Holt, | Utley, |
| Case, | Kenney, | Van Valkenburg, |
| Chapman, | Lawrence, | P. D. Warner, |
| Conger, | Leach, | M. C. Watkins, |
| Desnoyers, | Luce, | F. C. Watkins, |
| Divine, | McConnell, | White, |
| Duncan, | Miles, | Winans, |
| Elliott, | Miller, | Winsor, |
| Estee, | Murray, | Woodhouse, |
| Farmer, | Musgrave, | Yeomans, |
| Ferris, | Ninde, | President, 45 |

Mr. Root moved that the Convention adjourn;

Which motion did not prevail.

Mr. Alexander moved that the Convention take a recess for one hour;

Which was not agreed to.

Mr. T. G. Smith offered the following amendment to section 7:

Amend section 7, by inserting after the word "township," in line 1, the following: "And where a township shall have a population of three thousand, it shall be entitled to two supervisors, and one additional supervisor for every additional two thousand in population;

Pending which,

On motion of Mr. Alexander,

The Convention adjourned.

THIRTY-FIRST DAY.

Lansing, Monday, June 24, 1867.

The Convention was called to order by the President at 9 o'clock A. M.

Prayer by Rev. Mr. Armstrong.

Roll called: a quorum present.

Absent without leave, Messrs. Holmes, Norris and Winans.

Mr. Lawrence asked and obtained leave of absence for Messrs. Winans and Norris, until to-morrow.

Mr. Henderson asked and obtained leave of absence for Mr. Holmes, until to-morrow.

PRESENTATION OF PETITIONS.

By Mr. Conger: petition of General William Hartsuff, J. H. White, J. H. Haslett, Dr. L. D. Pase, S. B. Brown, J. B. Hull, and 25 other men, and Mrs. Lizzie Pase, Mrs. Sarah Fry, Frelone Lushbrook, Ida Moulton, and 25 other women, praying for equal suffrage to men and women;

By the same: petition of Hamilton Gideon Cox, M. D., Dr. Israel Hawkins, and 60 other men, and Catherine Cameron, Mrs. H. N. Hamilton, Miss Jane Whitcomb, Miss F. Spaulding, and 61 other women, citizens of St. Clair county, on the same subject.

Referred to the committee on elections.

By Mr. P. Dean Warner: petition of A. C. Walker, James

Gibson, Robert Greer, Ralsman Lee, and 14 other legal voters of Farmington, Oakland county, asking the retention of section 47, article 4, of the present Constitution, in the new Constitution to be formed, relative to the traffic in intoxicating liquors;

By the same: petition of Lemuel Botsford, Jas. L. Wilber, Hamilton H. Jones, Ledger Cowley, and 18 other legal voters of Farmington, Oakland county, on the same subject;

By the same: petition of John Walter, Francis Courter, Oscar S. Harger, David H. Austin, and 10 other legal voters of Farmington, Oakland county, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. Bills: petition of James C. Freer, Peter Sharp, and 52 other voters of Lenawee county, in favor of prohibiting license for the sale of intoxicating liquors.

Referred to the committee on intoxicating liquors.

By Mr. Thompson: petition of D. Timms and 11 other citizens of Moscow, praying that article 4, section 47, of the present Constitution, be retained in the new.

Referred to the committee on intoxicating liquors.

REPORTS OF STANDING COMMITTEES.

By the committee on militia and military affairs:

The committee on militia and military affairs, to whom was referred an article entitled "Militia;"

Respectfully report that they have had the same under consideration, and have directed me to report the accompanying article, entitled "Military Department," recommending that the same do pass, and ask to be discharged from the further consideration of the subject.

WM. L. STOUGHTON, *Chairman.*

Report accepted and committee discharged.

The article was read the first and second time by its title, ordered printed, placed on the general order, and referred to the committee of the whole.

MOTIONS AND RESOLUTIONS.

Mr. Van Valkenburgh offered the following resolution, which was unanimously adopted:

Resolved, That the cordial thanks of this Convention be tendered to the ladies of Lansing for the social reunion and splendid repast provided by them for the members of this Convention, on Friday evening last.

UNFINISHED BUSINESS.

On motion of Mr. Luce,

The article entitled "Counties," was recommitted to the committee on counties.

The Convention went into committee of the whole,

Mr. Luce in the chair.

IN COMMITTEE OF THE WHOLE.

On motion of Mr. Huston,

The committee took up the article entitled "Exemptions."

Section 11 being under consideration,

Mr. Bills moved to strike out of the third line the words "one thousand," and insert in lieu, "five hundred;"

Which motion did not prevail.

Mr. Duncan moved to amend the section by striking out of the third line the words "at least;"

Which motion prevailed.

Mr. Lovell moved to amend the section by adding thereto the following words:

"But such exempted property shall be subject to claims for purchase money, and to such liens as are or may be created by law."

Mr. Ferris moved to amend the amendment by adding thereto as follows:

"But there shall be no exemption as against the wages of laborers and mechanics."

Mr. P. D. Warner offered the following substitute for the section:

SECTION 1. The personal property of every resident of this State, to consist of such property only as shall be designated by law, shall be exempted to the amount of not less than five hun-

dred dollars, from sale on execution or other final process of any court, issued for the collection of any debt;

Pending which,

Mr. Root moved that the committee rise, report progress, and ask leave to sit again.

The motion prevailed.

IN CONVENTION.

The committee, through the chairman, submitted the following report:

The committee of the whole have had under consideration Article —, of the Constitution, entitled "Exemptions;"

Have made some progress therein, but not having gone through therewith, have directed me to report that fact to the Convention, and ask leave to sit again.

CYRUS G. LUCE, *Chairman*.

The report was accepted.

Leave was granted the committee to sit again.

On motion of Mr. Lawrence,

The Convention took a recess until 3 o'clock.

AFTERNOON SESSION.

3 o'clock P. M.

The Convention was called to order by the President.

Roll called: a quorum present.

The Convention went into committee of the whole on the general order,

Mr. Luce in the chair.

IN COMMITTEE OF THE WHOLE.

The committee resumed the consideration of the Article —, entitled "Exemptions."

The question being on the amendment of Mr. Ferris to the amendment of Mr. Lovell,

It was not agreed to.

The question recurring on the amendment of Mr. Lovell,

It did not prevail.

The question then being on the substitute of Mr. P. D. Warner for the section,

It was adopted.

Section 2 being under consideration,

Mr. Lovell moved to amend it by adding at the end thereof, the words, "such exempted property shall also be subject to mechanics' liens;"

Which motion did not prevail.

Mr. Richmond moved to amend the section by inserting after the word "selected," in second line, "as shall be provided by law;"

Which was not agreed to.

Mr. Alexander moved to insert after the word "State," in fifth line of section 2, "who is the head of a family;"

Which motion did not prevail.

Mr. Holt offered the following substitute for section 2:

Sec. 2. Every homestead, not exceeding forty acres of land, and the dwelling house thereon, and the appurtenances, to be selected by the owner thereof, and not included in any town plat, city or village, not exceeding two thousand dollars, or instead thereof, at the option of the owner, any lot, lots or parts of lots, contiguous to each other, in any town plat, city or village, not exceeding in all one acre of land, and the dwelling house thereon, and the appurtenances, owned and occupied by any resident of this State, not exceeding in value the sum above mentioned, shall be exempt from forced sale for the collection of any debt, on execution or other final process of any court. Such exemption shall not extend to any mortgage or mechanic's lien thereon lawfully obtained, but such mortgage or other alienation of such land by the owner thereof, if a married man, shall not be valid without the signature of the wife to the same.

The substitute was not adopted.

Mr. T. G. Smith moved that section 3 be stricken out.

After some debate, the motion to strike out was withdrawn.

Section 4 being under consideration,

Mr. Stockwell moved to strike out the words "so long as they or either of them shall occupy the same."

The amendment was adopted.

The committee proceeded to the consideration of Article —, entitled "Impeachments and Removals from Office."

The article was read by the Secretary.

Section 3 being under consideration,

Mr. Pringle moved to strike it out.

Mr. Miles moved to amend section 3, by striking out of the first line, the word "elect," and insert in lieu thereof, the word "appoint;" also, strike out of the second line, the words "three members," and insert in lieu thereof, the words, "a committee."

The amendment was adopted.

Mr. Ferris moved to amend section 3, by striking out the first clause of lines 1 and 2.

Mr. Pringle moved to amend section 3, line 2, by striking out the last clause, and inserting in lieu thereof, the words "an impeachment may be tried after the final adjournment of the Legislature."

The amendment was adopted.

The motion to strike out the section was withdrawn.

The motion to strike out the first clause of the section was withdrawn.

Section 7 being under consideration,

Mr. Miles offered the following substitute therefor:

Sec. 7. County, township, city, village or school district officers may be removed in such manner and for such cause as may be provided by law.

The substitute was adopted.

Section 8 being under consideration,

Mr. Richmond moved to strike out after the word "therein," in the fourth line, to the word "State," in the seventh line, and insert the word "any" in lieu thereof.

Mr. Longyear offered the following substitute for the section:

"The Governor shall have the power, and it shall be his duty, to examine into the condition of any State office and the act of any State officer, and to suspend such officer, except a judge or member of the Legislature, for gross neglect of duty or for corrupt conduct in office, or any misfeasance or malfeasance therein, and to make a provisional appointment to fill the vacancy occasioned thereby, and report the cause of such suspension to the Legislature, if in session, and if not, then at the commencement of the next session thereof; and the Legislature shall proceed to investigate such cause, and if found insufficient, such officer shall be reinstated for the unexpired portion of his term."

The amendment of Mr. Richmond was withdrawn, and

The substitute for the section was adopted.

Mr. Willard moved that the committee rise, report the articles back to the Convention, asking concurrence in the amendments made by the committee, recommend their passage, and ask to be discharged from the further consideration of the subject.

The motion prevailed.

IN CONVENTION.

The committee, through the chairman, submitted the following report:

The committee of the whole have had under consideration the following articles:

Article —, entitled "Exemptions;"

Also,

Article —, entitled "Impeachments and removals from office;"

Have made sundry amendments thereto, and have directed their chairman to report the same back to the Convention, asking concurrence therein, and recommend their passage.

CYRUS G. LUCE, *Chairman.*

The report was accepted and the committee discharged.

The question being on concurring in the amendments made

by the committee of the whole, to the Articles, they were considered separately.

The question being on concurring in the amendment to section 1 of the Article entitled "Exemptions,"

It was concurred in.

The question being on concurring in the amendment made by the committee to section 4, it was concurred in.

Mr. Willard offered the following amendment to the article:

Add to section 4, the following:

"So long as the widow shall remain unmarried, or be without other homestead of her own, and during the minority of the children, or while the deserted wife shall occupy said homestead."

Mr. Ferris demanded the yeas and nays;

The demand was supported, and the amendment was adopted, the following being the vote thereon:

YEAS.

| | | |
|----------------|------------|-----------------|
| Mr. Alexander, | Mr. Holt, | Mr. Richmond, |
| Andrus, | Howard, | Root, |
| Bills, | Huston, | T. G. Smith, |
| Blackman, | Kenney, | Stoughton, |
| Brown, | Longyear, | Tyler, |
| Burtenshaw, | Lovell, | Van Valkenburg, |
| Case, | Luce, | P. D. Warner, |
| Desnoyers, | McConnell, | M. C. Watkins, |
| Duncan, | Morton, | F. C. Watkins, |
| Duncombe, | Mussey, | Willard, |
| Elliott, | Musgrave, | Woodhouse, |
| Estee, | Ninde, | Yeomans, |
| Giddings, | Rafter, | |

38

NAYS.

| | | |
|--------------|--------------|---------------|
| Mr. Aldrich, | Mr. Germain, | Mr. Sheldon, |
| Barber, | Lamb, | Stockwell, |
| Bradley, | Lawrence, | Thompson, |
| Chapin, | Leach, | Turner, |
| Chapman, | McKernan, | W. E. Warner, |
| Coolidge, | Miller, | White, |
| Conger, | Murray, | Winsor, |
| Farmer, | Pringle, | President, |
| Ferris, | Sawyer, | |

26

Mr. Stoughton moved to amend section 3 by adding after the word "own," in the first line, the words "and not held by contract of purchase or color of title."

Pending which,

On motion of Mr. Richmond,

The Convention adjourned.

THIRTY-SECOND DAY.

Lansing, Tuesday, June 25, 1867.

The Convention was called to order by the President at 9 o'clock A. M.

Prayer by Rev. Mr. Bradley.

Roll called: a quorum present.

Mr. Sawyer asked and obtained leave of absence for himself, until the fourth of July next.

Mr. W. F. Goodwin asked and obtained leave of absence for himself, for an indefinite time.

Mr. Aldrich asked and obtained leave of absence for Mr. Van Riper, for to-day.

Mr. Richmond asked and obtained leave of absence for himself, until Thursday next.

Mr. Willard asked and obtained leave of absence for himself, until Thursday next.

Mr. Henderson asked and obtained leave of absence for Mr. Holmes, until Thursday next.

Mr. Holt asked and obtained leave of absence for Mr. Daniells, until Thursday next.

PRESENTATION OF PETITIONS.

By Mr. Sutherland: petition of T. T. Hubbard, S. S. Linton and 64 others, of Spaulding, Saginaw county, praying that section 47, article 4, of the present Constitution, may be retained in the new.

Referred to the committee on intoxicating liquors.

By Mr. White: petition of 197 officers, teachers and scholars of the Sabbath school of Wayland, Allegan county, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. Stoughton: petition of A. R. Metcalf, C. P. Hubbard, and 40 other men, and Mrs. I. J. Cond, Mrs. Octavia Metcalf, Mrs. S. H. Mitchell, and 30 other ladies, citizens of Constantine, St. Joseph county, asking for equal suffrage to men and women.

Referred to the committee on elections.

By My. Luce: petition of Wm. T. Ammerman, Israel Wheeler, and 102 other men, and Ida G. Green, Caroline Dove, and 122 other women, residents of Branch county, on the same subject.

Referred to the committee on elections.

By Mr. Blackman: petition of David Lee, John McKinney, and 73 other citizens of Van Buren county, praying that in the revision of the Constitution about to be made, section 47, article 4, may be omitted.

Referred to the committee on intoxicating liquors.

By Mr. Alexander: petition of David Fiske, David Hinnman, R. A. Dumont, A. B. Clark, and 214 other men; Mrs. H. J. Howe, Mrs. Martha A. Ross, Mrs. Lydia L. Ross, Mrs. Honore Wilson, Mrs. Elmira Post, Mrs. Fannie Clark, Mrs. Mattie E. Falton, Mrs. Betsey Day, Mrs. Osborn, Mrs. Hannah Carlisle, Mrs. Mahala Mansfield, all of Berrien county, praying that section 47, article 4, of the present Constitution, may be retained in the new,

Referred to the committee on intoxicating liquors.

By Mr. Ferris: petition of C. D. Lyon and 89 other citizens of Grand Rapids, asking for a license clause in the new Constitution.

Referred to the committee on intoxicating liquors.

REPORTS OF STANDING COMMITTEES.

By the committee on elections:

The committee on elections, to whom was referred Article 7, of the Constitution,

Respectfully report that they have had the same under consideration, and have directed me to report an article entitled

"Elections," recommending that the same do pass, and ask to be discharged from the further consideration of the subject.

J. VAN VALKENBURGH, *Chairman*.

Report accepted and committee discharged.

The article was read a first and second time by its title, ordered printed, placed on the general order, and referred to the committee of the whole.

By the minority of the committee on elections:

The undersigned, member of the committee on elections, unable to approve of the article on said subject, as submitted by a majority of the committee, in pursuance of leave heretofore granted, herewith submits a minority report, and asks that the same may be printed.

T. M. CROCKER.

The report was accepted and ordered printed.

COMMUNICATIONS FROM STATE OFFICERS.

The President announced the following:

MICHIGAN STATE LIBRARY, }
Lansing, June 25, 1867. }

Hon. C. M. CROSWELL, *President of the Constitutional Convention of the State of Michigan:*

SIR—In response to an invitation, sent a few days since, to the Constitutional Convention of the State of New York, now in session at Albany, I received by last evening's mail, a copy of a resolution, adopted by that Convention, viz:

Resolved, That the proposition of the Constitutional Convention of the State of Michigan, now in session, to exchange ten copies of the journal, and debates and proceedings of that Convention, for a like number of the journal, debates and proceedings of this Convention, be and the same is hereby accepted, and that the Secretary of this Convention be instructed to cause the said number of copies to be regularly transmitted to the State Librarian of the State of Michigan.

By order of the Convention,

LUTHER CALDWELL, *Secretary*.

If it is the pleasure of the Convention, over which you have

the honor to preside, I will undertake cheerfully to conduct the exchanges desired.

Very respectfully,

J. EUGENE TENNEY,

State Librarian.

The communication was laid on the table, and the State Librarian requested to conduct the exchanges provided for.

The President also announced the following:

MICHIGAN STATE PRISON, }
Jackson, June 20, 1867. }

HON. C. M. CROSWELL, *President of Constitutional Convention, Lansing, Mich.:*

SIR—Through Thos. H. Glenn, Esq., Secretary, I am in receipt of a resolution passed by the Convention, asking information relating to convicts sentenced to State Prison for murder in the first degree, and to which I would reply:

That prior to a statute abolishing capital punishment, two convicts who were sentenced to be hung were commuted by the Governor to imprisonment for life, and were subsequently pardoned.

Since the abolishment of capital punishment, fifty-eight have been convicted of murder, first degree, forty-seven of whom have been allowed to labor with other convicts in the shops. Two were partially insane when committed, and two were taken insane while at work in the shop. Of the two who were partially insane when committed, one has remained in the same condition since he has been here—about 19 years. The other, convicted in 1854, partially insane when he came here, continued to grow worse for about two years, till he became totally bereft of reason.

One, on new trial, was convicted of murder in the second degree; and five were ordered new trials by the Supreme Court, and were not again convicted.

Respectfully,

H. H. BINGHAM, *Agent.*

The report was laid on the table, ordered spread at large upon the journal, and is as follows:

CONVICTS Sentenced to the Michigan State Prison for the crime of Murder in the First Degree.

| NAMES. | COUNTY. | Date of Commitment. | Labor. | | Paroled. | Discharged. | Date. | Died. | Date. | Insane. | Escaped. | REMARKS. |
|-------------------------|----------------|---------------------|--------|-----------|----------|-------------|--------------------|-------|-------|---------|----------|--|
| | | | Labor. | No Labor. | | | | | | | | |
| Ebenezer W. Miller,... | Kent,... | Feb. 8, 1844,... | 1 | 1 | 1 | 1 | Feb. 18, 1847,... | | | | | Sent'd to be hung, and com. to imp. for life. |
| William H. Elliott,... | Oakland,... | Jan. 18, 1846,... | 1 | 1 | 1 | 1 | April 12, 1849,... | | | | | Sent'd to be hung, and com. to imp. for life. |
| William H. Anderson,... | Wayne,... | Dec. 29, 1847,... | 1 | 1 | 1 | 1 | June 15, 1848,... | | | | | Com'd from solitary, April 16, 1860. |
| John Findley,... | Oakland,... | June 15, 1848,... | 1 | 1 | 1 | 1 | May 30, 1863,... | | | | 1 | Com'd from solitary, esc'd May 16, 1867. |
| John Windley,... | Calhoun,... | May 10, 1848,... | 1 | 1 | 1 | 1 | Wayne,... | | | | | Insane when com'd, and has remained so. |
| John Marsh,... | Wayne,... | Nov. 20, 1848,... | 1 | 1 | 1 | 1 | Jan. 2, 1849,... | | | | | |
| Henry Billington,... | " | Jan. 2, 1849,... | 1 | 1 | 1 | 1 | Jan. 22, 1851,... | | | | | |
| Joseph Rabideaux,... | " | Jan. 22, 1851,... | 1 | 1 | 1 | 1 | Nov. 8, 1851,... | | | | | |
| William Eastman,... | Genesee,... | Nov. 8, 1851,... | 1 | 1 | 1 | 1 | Wayne,... | | | | | |
| Gabriel Lapham,... | Wayne,... | June 1, 1852,... | 1 | 1 | 1 | 1 | May 28, 1853,... | | | | | |
| James Hitchcock,... | Ingham,... | May 28, 1853,... | 1 | 1 | 1 | 1 | Dec. 3, 1851,... | | | | | |
| May Eno,... | Genesee,... | Dec. 3, 1851,... | 1 | 1 | 1 | 1 | Van Buren,... | | | | | |
| John M. Reynolds,... | Van Buren,... | Sept. 10, 1853,... | 1 | 1 | 1 | 1 | Macomb,... | | | | | |
| John R. Webster,... | Macomb,... | April 27, 1854,... | 1 | 1 | 1 | 1 | St. Joseph,... | | | | | |
| Amos White,... | St. Joseph,... | Oct. 10, 1854,... | 1 | 1 | 1 | 1 | Allegan,... | | | | | |
| James J. R. Clement,... | Allegan,... | Oct. 14, 1854,... | 1 | 1 | 1 | 1 | Oakland,... | | | | | |
| David Foster,... | Oakland,... | Nov. 29, 1854,... | 1 | 1 | 1 | 1 | Dec. 19, 1854,... | | | | | Partially insane when committed, and has been totally insane twelve years. |
| John F. Meyer,... | Oakland,... | Dec. 19, 1854,... | 1 | 1 | 1 | 1 | Kalamazoo,... | | | | 1 | Taken insane while at work upon contract. |
| Samuel Ulum,... | Kalamazoo,... | March 26, 1856,... | 1 | 1 | 1 | 1 | Shiawassee,... | | | | | |
| Amasa Kinzon,... | Shiawassee,... | Mar. 18, 1856,... | 1 | 1 | 1 | 1 | Monroe,... | | | | | |
| James E. Cromwell,... | Monroe,... | Oct. 8, 1856,... | 1 | 1 | 1 | 1 | Ottawa,... | | | | | |
| Jordan Turpin,... | Ottawa,... | Oct. 26, 1856,... | 1 | 1 | 1 | 1 | Calhoun,... | | | | | |
| Dewitt C. Horton,... | Calhoun,... | Feb. 2, 1856,... | 1 | 1 | 1 | 1 | Eaton,... | | | | | |
| Mary Brooks,... | Eaton,... | June 6, 1856,... | 1 | 1 | 1 | 1 | Wayne,... | | | | | |
| Frank Hughes,... | Wayne,... | Oct. 16, 1856,... | 1 | 1 | 1 | 1 | Ottawa,... | | | | | |
| William Young,... | Ottawa,... | Oct. 13, 1857,... | 1 | 1 | 1 | 1 | Dec. 10, 1857,... | | | | | |
| John Powers,... | " | Dec. 10, 1857,... | 1 | 1 | 1 | 1 | Sanilac,... | | | | | |
| William Potter,... | Wayne,... | Dec. 10, 1857,... | 1 | 1 | 1 | 1 | April 30, 1858,... | | | | | |
| Joseph Dukett,... | Sanilac,... | April 30, 1858,... | 1 | 1 | 1 | 1 | Sept. 29, 1858,... | | | | | |
| Robert Tully,... | Oakland,... | Sept. 29, 1858,... | 1 | 1 | 1 | 1 | John Tully,... | | | | | |
| John Tully,... | " | " | 1 | 1 | 1 | 1 | Barry,... | | | | | |
| John Dillon,... | Barry,... | Nov. 22, 1858,... | 1 | 1 | 1 | 1 | | | | | | |

MOTIONS AND RESOLUTIONS.

Mr. Morton offered the following resolution:

Resolved, That the article on exemptions be referred to the committee on exemptions, with instructions to insert a section in the article on said subject, empowering the Legislature to enact an exemption law.

Mr. Longyear moved to amend the resolution by adding thereto the following: "and to so amend sections 1, 2, 3 and 4, of the article, as to read, substantially, as follows:

"The Legislature shall have power, and it shall be their duty to protect by law, from sale on execution or other final process of any court, for the collection of any debt, the personal property of any resident of this State, to an amount in value not less than five hundred dollars, and a homestead not to exceed forty acres of land when not situated within any town plat, city, or village; and when within any town plat, city or village, not exceeding one acre of land, with the appurtenances, and not exceeding in value twenty-five hundred dollars; and the owner of such homestead, when a married man, shall not be at liberty to alienate the same, by deed or otherwise, without the concurrence of the wife."

Mr. Lovell moved to amend the amendment by instructing the committee to add to section 2 the words:

"Such exempted property shall also be subject to such mechanics' liens as shall be provided by law;"

Which was not agreed to.

The amendment of Mr. Longyear to the resolution was accepted by Mr. Morton.

The question recurring on the adoption of the resolution,

Mr. Duncan demanded the yeas and nays;

The demand being supported, the resolution was not adopted, the following being the vote thereon:

YEAS.

Mr. Andrus,
Bills,
Blackman,

Mr. Lamb,
Longyear,
McConnell,

Mr. Pringle,
Stoughton,
M. C. Watkins,

Burtenshaw,
Case,
Henderson,

Morton,
Murray,
Mussey,

F. C. Watkins,
Woodhouse,
President, 18

NAYS.

Mr. Aldrich,
Alexander,
Barber,
Bradley,
Brown,
Chapin,
Chapman,
Coolidge,
Conger,
Daniells,
Desnoyers,
Duncan,
Duncombe,
Elliott,
Estee,
Farmer,
Ferris,

Mr. Germain,
Giddings,
W. F. Goodwin,
Hixson,
Holt,
Howard,
Huston,
Kenney,
Lawrence,
Leach,
Lothrop,
Lovell,
Luce,
McClelland,
Miller,
Musgrave,
Ninde,

Mr. Rafter,
Root,
Sheldon,
T. G. Smith,
W. A. Smith,
Stockwell,
Sutherland,
Thompson,
Turner,
Tyler,
Utleigh,
Van Valkenburg,
P. D. Warner,
W. E. Warner,
White,
Winsor,
Yeomans, 51

Mr. Farmer offered the following resolution:

Resolved, That the committee on education be instructed to inquire into the expediency of engrafting in the Constitution, a clause making it obligatory on the Legislature to impose a tax upon the property of the State, sufficient to make our "Public Schools" free to all.

The resolution was referred to the committee on education.

Mr. Lamb offered the following resolution:

Resolved, That the form of Constitution which we are about to frame for the State, to be submitted to the people thereof for their adoption or rejection, should, in the opinion of this Convention, be in terse and commanding language, plain and explicit, incapable of receiving a double construction, or of being misunderstood. That while it should be as brief as practicable, it should fully set forth the grand land-marks, stand-points and principles of a representative State government, suitable to the wants and wishes of the free and intelligent people of a growing State. That it should not be a volume of legislative enactments, tying up the hands of the people, and restricting

their Legislatures upon such subject matter as can always, with entire propriety, be left with the people and the law-making power of the State.

On motion of Mr. Lamb,

The resolution was laid on the table.

The Convention took up the order of

UNFINISHED BUSINESS.

The question being on concurring in the amendment of Mr. Stoughton, to add after the word "own," in the first line, the words "and not held by contract of purchase or color of title,"

It was withdrawn.

Mr. Stoughton offered the following amendment:

Add at the end of the section the following words: "but such exemption shall not in any way impair or affect the rights of the owner of said land."

The amendment was adopted.

Mr. Lovell moved to add the following to section 2: "Such exempted property shall also be subject to such mechanics' liens as shall be provided by law."

Mr. Lovell demanded the yeas and nays;

The demand was supported, and the amendment was not adopted, the following being the vote thereon:

YEAS.

| | | |
|----------------|--------------|-----------------|
| Mr. Alexander, | Mr. Holt, | Mr. Sutherland, |
| Blackman, | Howard, | Utlej, |
| Burtenshaw, | Lovell, | W. E. Warner, |
| Case, | McKernan, | M. C. Watkins, |
| Estee, | Murray, | Woodhouse, |
| Ferris, | Rafter, | Yeomans, |
| Giddings, | T. G. Smith, | |

20

NAYS.

| | | |
|--------------|----------------|---------------|
| Mr. Aldrich, | Mr. Henderson, | Mr. Musgrave, |
| Andrus, | Hixson, | Ninde, |
| Barber, | Huston, | Pringle, |
| Bills, | Kenney, | Root, |
| Bradley, | Lamb, | Sheldon, |
| Brown, | Lawrence, | Stockwell, |
| Chapin, | Leach, | Stoughton, |
| Chapman, | Longyear, | Thompson, |

| | | |
|----------------|-------------|-----------------|
| Coolidge, | Lothrop, | Turner, |
| Conger, | Luce, | Tyler, |
| Desnoyers, | McClelland, | Van Valkenburg, |
| Duncan, | McConnell, | P. D. Warner, |
| Duncombe, | Miles, | F. C. Watkins, |
| Elliott, | Miller, | White, |
| Farmer, | Morton, | Winsor, |
| Germain, | Mussey, | Presideni, |
| W. F. Goodwin, | | 49 |

Mr. Pringle offered the following amendment:

Amend Sec. 2 by striking out all between the word "thereof," in the second line, to and including the word "appurtenances," in the fifth line.

The amendmet was adopted.

On motion of Mr. W. E. Warner,

The vote by which the Convention adopted the amendment of Mr. Willard to Sec. 4, was reconsidered.

The question being on the adoption of the amendment,

Mr. Miller moved to strike out the words "remain unmarried or."

Mr. Lovell demanded the yeas and nays.

The demand was not supported.

The amendment to the amendment was agreed to.

The amendment as amended was then adopted.

Mr. Blackman moved to amend section 2 by striking out, in line six, the words "twenty-five hundred," and inserting the words "two thousand."

Mr. Lamb moved that the Convention take a recess;

Which motion did not prevail.

The question recurring on the amendment,

Mr. P. D. Warner called for a division of the question.

The question being on striking out the words "twenty-five hundred,"

Mr. Blackman demanded the yeas and nays;

The demand was not supported.

The motion to strike out did not prevail.

Mr. Holt moved to strike out the words "twenty-five," in line

6, and insert "fifteen," and to amend by adding at the end of the section the following words:

"The Legislature may provide for the exemption of a homestead of a value not exceeding twenty-five hundred dollars."

The Convention having already refused to strike out the words "twenty-five," the Chair ruled that the motion to strike out the same words was not in order.

On motion of Mr. Stockwell,

The Convention took a recess until 3 o'clock.

AFTERNOON SESSION.

3 o'clock P. M.

The Convention was called to order by the President.

Roll called: a quorum present.

The Convention resumed the consideration of the unfinished business.

The question being on concurring in the amendments made in committee of the whole to the article entitled "Impeachments and Removals from Office,"

They were concurred in, *in gross*.

The article was referred to the committee on arrangement and phraseology for correction, arrangement and engrossment, and ordered to a third reading.

On motion of Mr. Leach,

The Convention went into committee of the whole on the general order,

Mr. M. C. Watkins in the chair.

IN COMMITTEE OF THE WHOLE.

The committee took up the article entitled "State Officers."

The article having been read through, and section 1 being under consideration,

Mr. Rafter moved to amend it by inserting after the word —, in the fourth line, the words "and reside;"

Which was not agreed to.

Mr. Turner moved to amend section 1 by striking out all after the word "Treasurer," in the second line, except the words "a Superintendent of Public Instruction," to and including the word "general," where it last occurs in the third line, and insert the words, "and such other State officers as shall be prescribed by law."

Mr Sutherland called for a division of the question, so that the vote be taken on each office separately.

The first question being on striking out the words "a Commissioner of the State Land Office,"

It was not agreed to.

The question being on striking out the words "an Auditor General,"

It was agreed to.

The question being on striking out the words "and an Attorney General,"

It was not agreed to.

The question then being on inserting the words, "and such other State officers as shall be prescribed by law,"

It was agreed to.

Mr. Miles moved to amend section 1, by inserting in the first line, after the word "election," the words "one Justice of the Supreme Court and two Regents of the State University, who shall severally hold their offices for such term as shall be prescribed by law, also."

After some debate the amendment was withdrawn.

Sec. 4 being under consideration,

Mr. P. D. Warner moved to amend it by inserting in line three, the article "a," before the word "general," and by striking out the word "law," and inserting the word "statute," and by adding to the clause the following: "but their jurisdiction and powers shall not extend to any claim against the State which has not arisen or accrued under and by virtue of the Constitution, or some express statute of the State, or which has not been referred to them by the Legislature."

Pending which,

Mr. Conger moved that the committee rise, report progress, and ask leave to sit again.

The motion prevailed.

—
IN CONVENTION.

The committee, through the chairman, submitted the following report:

The committee of the whole have had under consideration Article —, of the Constitution, entitled "State Officers"

Have made some progress therein, but not having gone through therewith, have directed me to report that fact to the Convention, and ask leave to sit again.

M. C. WATKINS, *Chairman*.

The report was accepted.

Leave was granted the committee to sit again.

Mr. Conger moved that the Convention adjourn.

Mr. McClelland demanded the yeas and nays;

The demand was supported, and the motion prevailed the following being the vote thereon:

YEAS.

Mr. Aldrich
Andrus,
Bills,
Brown,
Burtenshaw,
Chapin,
Conger,
Daniells,
Desnoyers,
Estee,
Ferris,
Germain,

Mr. Giddings,
Henderson,
Hixson,
Howard,
Huston,
Longyear,
McKernan,
Miles,
Musgrave,
Norris,
Rafter,
T. G. Smith,

Mr. Stockwell,
Stoughton,
Sutherland,
Utley,
Van Valkenburg,
P. D. Warner,
W. E. Warner,
F. C. Watkins,
Winsor,
Yeomans,
President,

35

NAYS.

Mr. Barber,
Blackman,
Bradley,
Case,
Chapman,

Mr. Kenney,
Lamb,
Lawrence,
Leach,
Lothrop,

Mr. Morton,
Mussey,
Ninde,
Pringle,
Root,

Coolidge,
Duncan,
Duncombe,
Elliott,
Farmer,
Holt,

Lovell,
Luce,
McClelland,
McConnell,
Miller,

Sheldon,
Thompson,
Turner,
Tyler,
M. C. Watkins,
31

THIRTY-THIRD DAY.

Lansing, Wednesday, June 26, 1867.

The Convention was called to order by the President at 9 o'clock A. M.

Prayer by Rev. Mr. Bradley.

Roll called: a quorum present.

Absent without leave, Messrs. W. A. Smith, Holmes, and Giddings.

Mr. W. E. Warner asked and obtained leave of absence for Mr. W. A. Smith, for an indefinite time, on account of sickness.

Mr. Henderson asked and obtained leave of absence for Mr. Holmes, for the day.

Mr. Mussey asked and obtained leave of absence for Mr. Giddings, during the forenoon, on very important business.

PRESENTATION OF PETITIONS.

By Mr. P. D. Warner: petition of Mrs. Caroline M. Beach, Mrs. Amy Power, Mrs. Hannah M. Nichols, Mrs. Charity Smith, Mrs. Alex. Tinham, Mrs. Wm. L. Coonley, Miss Octavia M. Wheelock, Miss Mary H. Fairchild, Miss Esther A. Ogden, Miss Emily Smith, Miss Alice McDermott, and 180 other ladies, residents in the vicinity of Farmington, Oakland county, asking the retention in the new Constitution of section 47, article 4, of the present Constitution, relating to the traffic in intoxicating liquors;

By the same: petition of Rev. Wm. C. Way, Dr. Eli Woodman, Dr. Thos. B. Lamb, Oliver B. Smith, Eben G. Stevens, Orange Culver, Robt. C. West, James L. Thomas, and 80 other

legal voters of Farmington, Oakland county, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. Miles: petition of Frederick H. Blood, H. P. Wands, Wm. M. St. Clair, John L. Agens, Geo. C. Walker, Geo. L. Cornell, and 31 other citizens and legal voters in the city of St. Clair, asking the repeal of the clause in the present Constitution prohibiting the issuing of licenses for the sale of wines and liquors, and the adoption in lieu thereof of a safe, well secured license system.

Referred to the committee on intoxicating liquors.

By Mr. Barber: petition of Mrs. J. H. McGowan, Mrs. J. W. Brown, Mrs. W. T. Perkins, and 220 other ladies of the city of Coldwater, Branch county, praying that section 47, article 4, of the present Constitution, relative to prohibiting granting licenses for the sale of intoxicating liquors be retained in the new instrument.

Referred to the committee on intoxicating liquors.

By Mr. Germain: petition of Dorus M. Fox, L. A. Bailey and 41 others, citizens of Ionia county, praying that section 47, article 4, of the present Constitution, be retained in the new.

Referred to the committee on intoxicating liquors.

By Mr. Bradley: petition of Thomas Cooke, Gilbert L. Hicks, Mrs. Carrie E. Peck and Mrs. Huldah Hicks, and 16 other citizens of Kalamazoo county, for equal suffrage for men and women.

Referred to the committee on elections.

By the same: petition of Rev. H. C. Peck, B. F. Doolittle, and 16 other legal voters of Kalamazoo county, for an article in the Constitution forbidding licenses for the sale of intoxicating liquors as a beverage.

Referred to the committee on intoxicating liquors.

By Mr. Tyler: petition of F. C. Barteman, M. D., Wm. Sadler, attorney, R. W. Melender, attorney, J. B. Anderson, Esq., and 32 other legal voters of Centerville, St. Joseph county, asking

the retention, in substance at least, in the new Constitution what is section 47, article 4, of the present Constitution;

By the same: petition of women and young men over eighteen years of age, Mrs. P. H. Penfield, Mrs. M. C. Brokaw, Mrs. Hannah M. Cummings, and 115 other women and young men, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. Lothrop: petition of Byron Smith, Edwin R. Smith, S. A. La Dow, Cyrus Smith, E. H. Leach, John H. Hill, and 76 others, respectfully submitting the enclosed, praying the repeal of the prohibitory clause and the adoption of a license law;

By the same: petition of Isaac Vandenburg, E. B. Quigley and W. H. Proctor, and 135 others, on the same subject;

By the same: petition of Benj. Fisher, Robert Sutton, C. B. Smith and 134 others, of Hillsdale county, on the same subject;

By the same: petition of E. L. Sturdevant and 66 others, of Hillsdale county, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. McClelland: petition of Rev. Dr. Duffield, Dr. Morse Stewart, A. H. Dey, George S. Frost and others, of Detroit, in favor of a provision in the Constitution regulating mining associations, to have a majority of their directors in this State, to hold all their meetings therein, and to make quarterly reports.

Referred to the committee on the Upper Peninsula.

By Mr. Lamb: petition of J. C. Kore, Charles Kyle, E. B. Matteson, and 17 other citizens of Hadley, requesting a clause in the Constitution authorizing an equitable license for the sale of liquors to hotel keepers.

Referred to the committee on intoxicating liquors.

By Mr. Holt: petition of Fred. A. Nims, Chas. B. Wood, Edwin Potter and Francis Smith, members of the bar of Muskegon, praying for the appointment of supreme and circuit judges by the Governor and Senate, and for an increase of salaries;

By the same: petition of H. A. Pattison and James Snow, members of the bar of Muskegon, on the same subject.

So much of the petitions as refers to the judiciary were referred to the committee on the judicial department.

So much as refers to salaries were referred to the committee on salaries.

MOTIONS AND RESOLUTIONS.

Mr. Alexander offered the following resolution:

Resolved, That the Secretary be instructed to request the State Printer to omit printing the daily journal until the Convention shall have time to examine the proof sheet on file.

On motion of Mr. Norris,

The resolution was referred to the committee on printing.

Mr. Lawrence offered the following resolution, which was adopted:

Resolved, That the report of the Agent of the State Prison be taken from the table and referred to the committee on crimes and punishments.

On motion of Mr. Rafter,

The Convention went into committee of the whole on the general order,

Mr. M. C. Watkins in the chair.

IN COMMITTEE OF THE WHOLE.

The committee resumed the consideration of the Article —, entitled "State Officers."

The pending question being the amendment of Mr. P. D. Warner to Sec. 4, to insert in line 3, the article "a," before the word "general," and strike out the word "law," and insert the word "statute," and by adding to the clause the following: "but their jurisdiction and powers shall not extend to any claim against the State which has not arisen or accrued under and by virtue of the Constitution, or some express statute of the State, or which has not been referred to them by the Legislature."

Mr. P. D. Warner modified the amendment so as to strike out the word "general," in the third line, so as to read "not otherwise provided by law."

Mr. Lothrop offered the following as an amendment to the amendment:

Strike out the words "not otherwise provided by law," in lines 2 and 3, and insert "within such limits as shall be prescribed by law."

Also, strike out the word "all," in line 2, section 4.

The amendment to the amendment was agreed to, and

The amendment as amended was then adopted.

Mr. Morton moved to amend section 4, line 4, by striking out the word "determine," in said line, and inserting the words, "ascertain and certify;"

Which motion did not prevail.

Mr. P. D. Warner moved to amend section 4, by inserting after the word "also," the words "with the Lieutenant Governor;"

Which motion did not prevail.

Mr. Turner moved to amend section 5, by inserting after the word "any," in the first line, the word "State." Also, by inserting after the word "contested," in the fourth line, the words "as to any State office;"

Which motion did not prevail.

Mr. Barber moved that the committee rise, report the Article back to the Convention, asking concurrence in the amendments made by the committee, recommend its passage, and ask to be discharged from the further consideration of the subject.

The motion prevailed.

IN CONVENTION.

The committee, through the chairman, submitted the following report:

The committee of the whole have had under consideration Article —, entitled "State Officers;"

Have made sundry amendments thereto, and have directed their chairman to report the same back to the Convention, asking concurrence therein, and recommend its passage.

M. C. WATKINS, *Chairman.*

The report was accepted and the committee discharged.

The amendments made to the article in committee of the whole, except section 1, were concurred in.

Mr. Sutherland moved that the consideration of the amendment made to section 1 be made the special order for the 16th of July next;

Pending which, by unanimous consent,

Mr. Giddings moved to amend section 5 by inserting after the word "any," in the first line, the word "State;" also, by inserting after the word "contested," in the fourth line, the words "as to any State office;"

Which motion did not prevail.

Mr. Southerland's motion to make the amendment to section 1 the special order for the 16th of July next, was not agreed to.

The question being on concurring in the amendment

Mr. Mussey called for a division of the question.

Objection being made, a division was ruled not in order.

Pending the debate on the amendment,

Mr. Sutherland moved that the Convention take a recess.

Mr. Daniells moved that the Convention adjourn;

The motion to adjourn was lost.

The motion to take a recess prevailed.

AFTERNOON SESSION.

3 o'clock P. M.

The Convention was called to order by the President.

Roll called: a quorum present.

Mr. Giddings asked and obtained leave of absence for Mr. Bills, for the afternoon.

REPORTS OF STANDING COMMITTEES.

Mr. Conger, by unanimous consent, submitted the following report:

The committee on the legislative department, to whom was referred so much of the present Constitution as relates to that department, have had the same under consideration, and have

directed me to report the accompanying article, entitled "Legislative Department," recommend that it do pass, and ask to be discharged from the further consideration of that subject.

O. D. CONGER, *Chairman*.

Report accepted and committee discharged.

The article was read a first and second time by its title, ordered printed, placed on the general order, and referred to the committee of the whole.

The Convention resumed the consideration of the

UNFINISHED BUSINESS,

Being in concurring in the amendment made by the committee of the whole to section 1, of the Article entitled "State Officers."

Mr. Utley demanded the yeas and nays.

Mr. Case demanded a call of the House;

The demand for a call of the House was not supported.

The question being on concurring in the amendment made by the committee of the whole to section 1, of the Article under consideration, and the demand for the yeas and nays being supported,

The amendment was not concurred in, the following being the vote thereon:

YEAS.

| | | |
|--------------|--------------|-------------------|
| Mr. Aldrich, | Mr. Elliott, | Mr. McKernan, |
| Brown, | Estee, | Miller, |
| Burtenshaw, | Farmer, | Murray, |
| Case, | Ferris, | Ninde, |
| Chapin, | Hixson, | Sutherland, |
| Chapman, | Huston, | Turner, |
| Coolidge, | Lamb, | Utley, |
| Corbin, | Lawrence, | M. C. Watkins, 24 |

NAYS.

| | | |
|----------------|-------------|--------------|
| Mr. Alexander, | Mr. Kenney, | Mr. Sheldon, |
| Andrus, | Leach, | T. G. Smith, |
| Barber, | Longyear, | Stockwell, |
| Blackman, | Lothrop, | Stoughton, |
| Bradley, | Lovell, | Thompson, |
| Conger, | Luce, | Tyler, |

| | | |
|------------|-------------|-----------------|
| Daniells, | McClelland, | Van Riper, |
| Desnoyers, | McConnell, | Van Valkenburg, |
| Duncan, | Miles, | Walker, |
| Duncombe, | Morton, | P. D. Warner, |
| Germain, | Mussey, | F. C. Watkins, |
| Giddings, | Musgrave, | White, |
| Henderson, | Norris, | Woodhouse, |
| Holmes, | Pringle, | Yeomans, |
| Holt, | Rafter, | President, |
| Howard, | Root, | |

47

Mr. Longyear moved to reconsider the vote by which the Convention refused to concur in the amendment.

Mr. Longyear moved to lay the motion to reconsider on the table.

The motion prevailed.

Mr. W. E. Warner announced the death of Hon. B. F. H. Witherell, Judge of the 3d Judicial Circuit, and a member of the Constitutional Convention of 1850; whereupon Messrs. Van Valkenburgh and Lothrop briefly addressed the Convention in appropriate remarks in eulogy of the life and character of the deceased.

On motion of Mr. McClelland,

The Convention adjourned.

THIRTY-FOURTH DAY.

Lansing, Thursday, June 27, 1867.

The Convention was called to order by the President, at 9 o'clock A. M.

Prayer by Rev. Mr. Banwell.

Roll called: a quorum present.

Absent without leave, Messrs. Burtch, Lawrence, Pratt and Winsor.

Mr. Conger asked and obtained leave of absence for Mr. Winsor, for an indefinite time, on account of important business.

Mr. Howard asked and obtained leave of absence for himself, for an indefinite time.

Mr. Van Riper asked and obtained leave of absence for Mr. Williams, for the day.

Mr. W. E. Warner asked and obtained leave of absence for himself, for an indefinite time.

Mr. Kenney asked and obtained leave of absence for himself, for an indefinite time.

Mr. Winans asked and obtained leave of absence for Mr. Lawrence, until Wednesday next.

Mr. Turner asked and obtained leave of absence for himself, for an indefinite time.

Mr. Miller asked and obtained leave of absence for himself, for an indefinite time.

PRESENTATION OF PETITIONS.

By Mr. Alexander: petition of Chas. Swats, Daniel Terriere, John Buckles, H. G. Holiday, and 83 other legal voters of Berrien county, praying for a clause in the Constitution, authorizing the Legislature to enact a license law for the sale of spirituous and malt liquors.

Referred to the committee on intoxicating liquors.

By Mr. Longyear: petition of Marvin Salter and 45 other men, and Meoriah J. Norton and 17 other ladies, citizens of the State, praying for equal suffrage to men and women.

Referred to the committee on elections.

By Mr. Stoughton: petition of Withey Wright, J. W. Parker, and 14 other men, Mrs. Sarah Parker, Mrs. Mary Kelley, and 50 other women, on the same subject;

By the same: petition of Leicester Washburn, John Parker, and 20 other men, Mrs. M. B. Gray, Mrs. Fannie St. John, Mrs. A. E. Littlefield, and 14 other women, on the same subject.

Referred to the committee on elections.

By Mr. Duncan: petition of Hon. O. H. Fellows, Erastus Williams and 30 others, of Prairie Ronde, asking that no alteration be made in the Constitution as regards granting licenses for the sale of intoxicating liquors;

By the same: petition of Geo. G. Crose, R. E. Seaver and 44 others, on the same subject;

By the same: petition of Capt. John Gilchrist, Perry C. Pitts and 32 others, citizens of Prairie Ronde, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. W. E. Warner: petition of Hon. A. P. Young and 39 others, legal voters of Romulus, Michigan, asking that section 47, article 4, of the present Constitution, be omitted in the new, and that a provision be made for a well regulated license law.

Referred to the committee on intoxicating liquors.

By Mr. White: memorial of the Kalamazoo River Baptist Association, lately in session at Bellevue, in Eaton county, for the retention of section 47, article 4, of the present Constitution, in the new;

By the same: petition of Rev. J. Fletcher, Rev. H. Randall, and 69 other citizens of Michigan, and members of the Kalamazoo River Baptist Association, praying that section 47, article 4, of the present Constitution, be retained in the new one.

Referred to the committee on intoxicating liquors.

By Mr. Morton: petition of Prof. John M. Barrows, Prof. O. Hosford, and 25 other men; Mrs. C. P. M. Barrows, Mrs. M. W. Moore, and 25 other ladies of Olivet, Eaton county, praying for woman's suffrage.

Referred to the committee on elections.

REPORTS OF STANDING COMMITTEES.

By the committee on arrangement and phraseology:

The committee on arrangement and phraseology, to whom was referred the article entitled "Finance and Taxation,"

Respectfully report that they have had the same under consideration, and have directed me to report the same back, with the accompanying amendments, and ask to be discharged from the further consideration of the subject.

T. NINDE, *Chairman*.

Report accepted and committee discharged.

The Article was laid on the table, ordered printed in the journal as amended, and is as follows:

ARTICLE —.

FINANCE AND TAXATION.

SECTION 1. All specific State taxes shall be applied in paying the interest on the primary school, university and other educational funds, and the interest and principal of the State debt, in the order herein recited, until the extinguishment of the State debt, other than the amounts due to educational funds, when such specific taxes shall be added to and constitute a part of the primary school interest fund.

Sec. 2. The Legislature shall provide for an annual tax, sufficient, with other resources, to pay the estimated expenses of the State government, the interest of the State debt, and such deficiency as may occur in the resources.

Sec. 3. The Legislature shall provide by law a sinking fund, to be applied solely to the payment and extinguishment of the principal of the State debt, other than the amounts due to educational funds, which [sinking fund] shall be continued until the extinguishment [of such State debt;] and every law hereafter enacted by the Legislature, creating a debt or authorizing a loan, shall provide a sinking fund for the payment of the same.

Sec. 4. The unfunded debt shall not be funded or redeemed at a value exceeding that established by law in [the year] one thousand eight hundred and forty-eight.

Sec. 5. The State may contract debts to meet deficits in revenue. Such debts shall not in the aggregate at any time exceed fifty thousand dollars. The moneys so raised shall be applied to the purposes for which they were obtained, or to the payment of debts so contracted.

Sec. 6. The State may contract debts to repel invasion, suppress insurrection, or defend the State in time of war. The money arising from the contracting of such debts shall be applied to the purposes for which it was raised, or to pay such debts.

Sec. 7. No money shall be paid out of the treasury, except in pursuance of appropriations made by law.

Sec. 8. The credit of the State shall not be granted to, or in aid of, any person, association or corporation.

Sec. 9. No scrip, certificate or other evidences of *State* indebtedness shall be issued, except for the redemption of stock previously issued, or for such debts as are expressly authorized in this Constitution.

Sec. 10. The State shall not subscribe to, or be interested in, the stock of any company, association or corporation.

Sec. 11. The State shall not be a party to, or interested in, any work of internal improvement, *except the ship canal at the Sault Ste. Marie*, nor engaged in carrying on any such work, [otherwise than] in the expenditure of grants to the State, of land or other property.

Sec. 12. The Legislature shall provide a uniform rule of taxation, except on property *and corporations* paying specific taxes. Taxes shall be levied on such property as shall be prescribed by law.

Sec. 13. All assessments hereafter authorized shall be on property at its cash value.

[Sec. 14. The Legislature shall provide for an equalization of assessments on all taxable property, except that paying specific taxes, to be made in the year eighteen hundred and seventy-one, and every fifth year thereafter, by a State Board of Equalization, to consist of one member from each Senatorial district, to be elected as shall be prescribed by law.]

Sec. 15. Every law which imposes, continues or revives a tax, shall distinctly state the tax, and the object to which it is to be applied; and it shall not be sufficient to refer to any other law to fix such tax or object.

Sec. 16. A full account of the State indebtedness, and an accurate statement of receipts and expenditures of the public moneys, shall be attached to, and published with, the laws passed at every regular session of the Legislature.

Sec. 17. *The State shall not assume* [any indebtedness] *of a county, township or city.*

MOTIONS AND RESOLUTIONS.

Mr. Daniells offered the following resolution:

Resolved, That the Convention will adjourn to-day, at or near 12 o'clock, until to-morrow morning at 9 o'clock, that the members who may choose to do so, may attend the horse show of the Central State Agricultural Society, now being held in this city.

Mr. Blackman moved to strike out the word "show," and insert the word "races."

The President, by unanimous consent, in connection with the resolution, announced the following communication:

To HON. CHARLES M. CROSWELL, *President of the Constitutional Convention*:

SIR—On behalf of the Central Michigan Agricultural Society, I desire to extend to the Convention, through you, an invitation to visit the Society's grounds in a body, at 2 P. M. this day.

Lansing, June 27, 1867.

L. B. POTTER, *Secretary*.

Mr. Thompson moved that the resolution be laid on the table; Which motion did not prevail.

Mr. Henderson moved to amend the resolution by striking out "12," and insert in lieu "1;"

Which was accepted.

Mr. Conger offered the following as a substitute for the resolution:

Resolved, That the thanks of this Convention be tendered to the Michigan Central Agricultural Society, for its invitation to attend the fair held to-day at 2 o'clock.

The resolution of Mr. Daniells, by unanimous consent, was withdrawn.

The resolution of Mr. Conger was then adopted.

Mr. Daniells offered the following resolution:

Resolved, That the resolution adopted the 12th instant, giving to the messenger boys of this Convention the use of the grounds in front of the State House for the purposes of recreation, be

extended so as to include the members and all officers of the Convention.

After some debate, the resolution was withdrawn.

Mr. Farmer offered the following preamble for the Constitution:

Grateful to ALMIGHTY God for our existence as a people: recognizing the Divine Providence, in our prosperity as a State, We, the people of the State of Michigan, do ordain the following Constitution:

The preamble was referred to the committee on arrangement and phraseology.

By unanimous consent, Mr. VanValkenburgh presented a petition on the same subject, from Rev. Geo. Duffield, Bishop Samuel A. McCoskry, Rev. L. R. Fisk, Rev. S. Clements, Rev. Alfred Owen, Rev. Samuel T. Clark, Rev. John P. Scott, Hon. John Owen, Hon. H. P. Baldwin, and 42 others.

The petition was read, ordered spread at large upon the journal, referred to the committee on arrangement and phraseology, and is as follows:

To the Honorable Constitutional Convention, at Lansing:

The undersigned, citizens of Detroit, respectfully represent, that as a State whose population is almost universally believers in the existence of God, and the truth and inestimable value of Christianity, as the friend of the poor, the guardian of society, the promoter of civilization, and the best police and defense against crime, it is our wish and in our judgment very desirable, that in the Constitution now being prepared, there should be a distinct recognition of Almighty God, the Father of our Lord Jesus Christ, as the great moral governor and arbiter of human affairs, and an acknowledgment of our dependence as a State and people upon His providence.

We therefore respectfully pray that a clause to this effect be introduced in the preamble of the Constitution to be submitted for adoption.

We also represent and desire that there should be a recognition of the Lord Jesus Christ, who is the author of Christianity

and has revealed God to man, and of the inestimable value of the Sacred Scriptures as the auxiliary and support of all true liberty, and faithful and salutary exercise and administration of civil government.

UNFINISHED BUSINESS.

The Article entitled "State Officers," being under consideration,

Mr. McClelland moved to amend section 1, by striking out in line 1, the words "elected at each general biennial election," and insert in lieu thereof, the words, "appointed by the Governor, by and with the advise and consent of the Senate."

Mr. McClelland demanded the yeas and nays;

The demand was supported, and the amendment was not adopted, the following being the vote thereon:

YEAS.

| | | | |
|-------------|-----------------|-------------|---|
| Mr. Hixson, | Mr. McClelland, | Mr. Ninde, | |
| Lamb, | Miller, | Norris, | |
| Lothrop, | Morton, | Sutherland, | 9 |

NAYS.

| | | |
|--------------|---------------|-----------------|
| Mr. Aldrich, | Mr. Giddings, | Mr. Root, |
| Alexander, | D. Goodwin, | Sheldon, |
| Andrus, | Henderson, | T. G. Smith, |
| Barber, | Holmes, | Stockwell, |
| Bills, | Holt, | Stoughton, |
| Blackman, | Howard, | Thompson, |
| Bradley, | Hull, | Turner, |
| Brown, | Huston, | Tyler, |
| Burtenshaw, | Kenney, | Utley, |
| Case, | Leach, | Van Riper, |
| Chapin, | Longyear, | Van Valkenburg, |
| Chapman, | Lovell, | Walker, |
| Coolidge, | Luce, | P. D. Warner, |
| Conger, | McConnell, | M. C. Watkins, |
| Corbin, | McKernan, | W. F. Goodwin, |
| Daniells, | Miles, | White, |
| Desnoyers, | Murray, | Willard, |
| Duncan, | Mussey, | Winans, |
| Duncombe, | Musgrave, | Woodhouse, |
| Elliott, | Parsons, | Yeomans, |
| Farmer, | Pringle, | President, |
| Germain, | Rafter, | |

Mr. Giddings moved to amend section 1, by striking out of the first line the words "at each general biennial election."

Which motion prevailed.

Mr. Willard moved to insert after the word "elected," in the first line of section 1, the words "by the qualified electors of the State;"

Which was not agreed to.

Mr. Lamb moved to strike out sections 1, 4 and 5 of the article, and insert as section 1 the following:

SECTION 1. There shall be elected in the State, a Governor and Lieutenant-Governor, and such other State officers as the Legislature may determine, with such powers and duties as may be provided by law.

Mr. Lamb demanded the yeas and nays;

The demand was supported, and the motion prevailed, the following being the vote thereon:

YEAS.

Mr. Aldrich,
Alexander,
Andrus,
Bradley,
Brown,
Case,
Chapin,
Coolidge,
Corbin,
Desnoyers,
Duncan,
Elliott,
Farmer,
Giddings,
Henderson,

Mr. Hixson,
Huston,
Kenney,
Lamb,
Lothrop,
Lovell,
Luce,
McClelland,
McConnell,
McKernan,
Miller,
Morton,
Murray,
Mussey,
Musgrave,

Mr. Ninde,
Norris,
Parsons,
Pringle,
Rafter,
Sheldon,
Sutherland,
Turner,
Tyler,
Utley,
Van Riper,
F. C. Watkins,
Winans,
President,

44

NAYS.

Mr. Barber,
Bills,
Blackman,
Burtenshaw,
Chapman,
Conger,
Daniells,

Mr. Holmes,
Holt,
Howard,
Hull,
Leach,
Longyear,
Miles,

Mr. Stoughton,
Thompson,
Van Valkenburg,
P. D. Warner,
M. C. Watkins,
White,
Willard,

Duncombe,
 Germain,
 D. Goodwin,

Root,
 T. G. Smith,
 Stockwell,

Woodhouse,
 Yeomans,

29

On motion of Mr. Lothrop,

The article was laid upon the table and ordered printed in the journal, and is as follows:

ARTICLE —.

STATE OFFICERS.

SECTION 1. *There shall be elected in this State a Governor and Lieutenant Governor, and such other State officers as the Legislature may determine, with such powers and duties as may be prescribed by law.*

Sec. 2. Their term of office shall commence on the first day of January, one thousand eight hundred and sixty-nine, and every second year thereafter.

Sec. 3. Whenever a vacancy shall occur in any of the State offices, the Governor shall fill the same by appointment, by and with the advice and consent of the Senate, if in session.

The Convention went into committee of the whole on the general order,

Mr. Conger in the chair.

IN COMMITTEE OF THE WHOLE.

The committee took up Article —, entitled "Bill of Rights."

Mr. Pringle moved to amend section 2, by striking out in lines one and two, to and including the word "person," in the second line, and insert in place thereof the words, "every person shall be at liberty to worship God according to the dictates of his own conscience. No person shall be compelled."

Which was adopted.

Mr. Mussey moved to add at the end of section 3, the words "except as otherwise provided in this Constitution."

After some debate, the amendment was withdrawn.

Mr. Pringle moved to strike out of section 3, the words "concerning matters of religion;"

Which was not agreed to.

Mr. Leach moved to strike out the words, "no individual shall," in the first line of section 3, and insert in lieu thereof, the words "individuals shall not;" also, strike out the word "his," in the second line.

Which motion prevailed.

Mr. Croswell moved to further amend section 3, by striking out of the first line, the words "and religious."

Mr. Bradley moved to amend the amendment, by striking out the words "civil and religious;"

Which being accepted, the amendment, as thus modified, was adopted.

Mr. Ferris moved to further amend the section by striking out the words "and capacities," in the first line, and insert the word "and," after the word "rights."

After some debate, the amendment was withdrawn.

Mr. Stoughton moved to amend section 3, by striking out of line three, the words, "or enlarged;"

Which motion did not prevail.

Mr. Mussey moved to add to the end of section 3, the words, "except when from scruples of conscience he may be averse to bearing arms;"

Which motion did not prevail.

Mr. Miles moved to amend section 4, by striking out all of the second line after the word "rights," and insert in the third line after the word "press," the words "shall not be restrained or abridged;"

Which motion did not prevail.

Section 4 being under consideration,

Mr. Mussey moved to strike out all after the word "acquitted," in the fifth and sixth lines;

Which motion did not prevail.

Section 6 being under consideration,

Mr. Giddings moved to amend it by inserting after the word "except," in the second line, the word "when;"

Which was not agreed to.

Section 7 having been read,

Mr. Lothrop moved to amend it by striking out the words, "in all courts not of record."

Mr. Case moved to strike out all after the word "law," in the second line of section 7;

Which was withdrawn.

Mr. Henderson moved to strike out the same words proposed to be struck out by Mr. Lothrop, and insert in lieu thereof as follows:

"Provided that in all criminal cases in courts of record it shall not be done without the consent of the accused."

Mr. Bills offered the following substitute for the last clause of section 7:

"The Legislature may authorize a trial by jury of a less number than twelve."

Mr. McClelland moved that the committee rise, report progress and ask leave to sit again;

Which motion was lost.

The question being on inserting the words proposed in the amendment of Mr. Henderson,

By unanimous consent they were modified so as to amend the section by inserting after the word "men," the following: "with the consent of the accused in criminal cases."

The amendment of Mr. Henderson was lost.

Mr. Bills withdrew the substitute offered by him.

The question being on the amendment of Mr. Lothrop to strike out the words "in all courts not of record," it was adopted.

Mr. Lovell moved that the committee rise, report progress, and ask leave to sit again;

Which motion did not prevail.

Mr. T. G. Smith moved to strike out all after the word "remain," line 1, section 7, down to and including the word "law," line 2, and insert as follows: "but a jury trial may be waived by the parties in all civil cases, in the manner to be prescribed by law."

The motion was lost.

Section 8 was read, and

Pending its consideration,

Mr. Desnoyers moved that the committee rise, report progress, and ask leave to sit again.

—
IN CONVENTION.

The committee, through the chairman, submitted the following report:

The committee of the whole have had under consideration Article —, of the Constitution, entitled "Bill of Rights;"

Have made some progress therein, but not having gone through therewith, have directed me to report that fact to the Convention, and ask leave to sit again.

O. D. CONGER, *Chairman.*

The report was accepted.

Leave was granted the committee to sit again.

Mr. Lovell moved that the Convention take a recess.

Mr. Daniells moved that the Convention adjourn.

Mr. McClelland demanded the yeas and nays;

The demand was supported, and the motion prevailed, the following being the vote thereon:

YEAS.

Mr. Aldrich,
Alexander,
Andrus,
Bills,
Brown,
Chapin,
Chapman,
Coolidge,
Conger,
Corbin,
Daniells,
Duncombe,
Ferris,
Germain,

Mr. Giddings,
Hixson,
Holmes,
Holt,
Howard,
Hull,
Huston,
Longyear,
McKernan,
Miles,
Murray,
Norris,
Parsons,

Mr. Pringle,
Rafter,
Richmond,
Root,
Stoughton,
Utley,
Van Riper,
Van Valkenburg,
F. C. Watkins,
Willard,
Winans,
Woodhouse,
Yeomans,

NAYS.

| | | |
|-------------|-------------|------------------|
| Mr. Barber, | Mr. Lamb, | Mr. T. G. Smith, |
| Blackman, | Leach, | Stockwell, |
| Bradley, | Lothrop, | Sutherland, |
| Burtenshaw, | Lovell, | Thompson, |
| Case, | Luce, | Turner, |
| Desnoyers, | McClelland, | Tyler, |
| Duncan, | McConnell, | Walker, |
| Elliott, | Miller, | P. D. Warner, |
| Farmer, | Morton, | M. C. Watkins, |
| D. Goodwin, | Mussey, | White, |
| Henderson, | Ninde, | Williams, |
| Kenney, | Sheldon, | President, 36 |

THIRTY-FIFTH DAY.

Lansing, Friday, June 28, 1867.

The Convention was called to order by the President at 9 o'clock A. M.

Prayer by Rev. Mr. Bradley.

Roll called: a quorum present.

Absent without leave, Messrs. Burtch, Pratt and Woodhouse.

Mr. Huston asked and obtained leave of absence for Mr. Woodhouse, for the day.

Mr. Elliott asked and obtained leave of absence for himself, after to-day, for an indefinite time.

Mr. Desnoyers asked and obtained leave of absence for himself, for an indefinite time.

Mr. Morton asked and obtained leave of absence for himself, for an indefinite time, on account of sickness in his family.

Mr. Giddings asked and obtained leave of absence for himself, to and including the 3d of July, on account of official business.

Mr. Burtenshaw asked and obtained leave of absence for himself, to and including the 9th of July.

Mr. Huston asked and obtained leave of absence for himself, for an indefinite time.

Mr. Farmer asked and obtained leave of absence for himself, for an indefinite time, on account of important business.

Mr. Mussey asked and obtained leave of absence for himself, for an indefinite time, on account of important business.

PRESENTATION OF PETITIONS.

By Mr. Blackman: preamble and resolutions of the South-Western Association of Universalists of Michigan, at its annual meeting at Dowagiac, June 20, 1867, in favor of prohibiting the sale of intoxicating liquors as a beverage.

Referred to the committee on intoxicating liquors, and ordered printed at large in the journal.

The preamble and resolutions are as follows:

Whereas, We regard intemperance in the use of alcoholic drinks as a beverage as the great sin of our nation, and that total abstinence is the only sure remedy; therefore,

1. *Resolved*, That it is the duty of all friends of temperance, not only to practice total abstinence, but also to lend a helping hand to all temperance organizations calculated to advance the principles of liberty and virtue, and to aid them in their whole mission of saving men from a drunkard's doom.

2. That we recognize with special gratitude to God, a newly awakened interest and zeal in the cause of temperance throughout our land; and especially are we cheered by the formation of a Congressional Temperance Society, in which we heartily commend the course of our able Senators Wilson and Yates, with Speaker Colfax and others.

3. That while the South-Western Association of Universalists commend the fidelity of its clergy to the temperance cause, it suggests renewed effort in its behalf, and urges that, while they speak frequently and earnestly on the subject, the laity give their cordial and practical coöperation and support.

4. That prohibition is not a failure, and that we recognize its principles as binding upon us; that the statutes relating thereto are sound, and would, if lived up to, bless our commonwealth; and that we feel called upon as a Christian body to use our influence in the enforcement of the same.

5. That our Christianity should cover our whole field of action; that we should bring in subjection thereto and in har-

mony therewith, all our intellectual, social and political acts; that we should support for all offices in the gift of the people such men only as are politically and morally sound upon this subject.

G. C. JONES, *President*.

Rev. A. COUNTRYMAN, *Standing Clerk*.

Dowagiac, June 22d, 1867.

By Mr. Bradley: petition of the Cooper Lodge of Good Templars, in Kalamazoo county, number 92, by the secretary, R. L. Skinner, for retaining section 47, article 4, in the Constitution.

Referred to the committee on intoxicating liquors.

By Mr. Sutherland: resolutions of the bar of Saginaw and Bay counties, on the subject of a desired change in the judiciary.

Referred to the committee on the judicial department.

By Mr. Bills: petition of Peter R. Adams, a member of the Constitutional Convention of 1850, asking of this Convention to insert the following article in the Constitution:

"The Legislature shall not authorize, by grant of licenses or otherwise, the manufacture or sale of ardent or intoxicating liquors to be used as a beverage, but shall by law, prohibit the same."

Referred to the committee on intoxicating liquors.

By Mr. Huston: petition of Henry Pettengill, W. H. H. Green, and 16 other men, Mrs. A. B. Pettengill, Mrs. L. H. Silsbee, and 9 other women, citizens of Arbela, Tuscola county, to secure the right of suffrage on equal terms, to men and women.

Referred to the committee on elections:

By Mr. Thompson: petition of Celestia Little, Annie Bibbins, E. M. Hood, and 32 other ladies of Moscow, Hillsdale county, praying that section 47, article 4, of the present Constitution be retained in the new one.

Referred to the committee on intoxicating liquors.

By Mr. Hull: petition of C. R. Millington, Hiram Lindsley,

G. W. Waterson, B. D. Gray and 97 others, citizens of St. Joseph county, on the same subject.

Referred to the committee on intoxicating liquors.

REPORTS OF STANDING COMMITTEES.

By the committee on intoxicating liquors:

The committee on intoxicating liquors, to whom was referred section 47, of article four, of the present Constitution,

Respectfully report that they have had the same under consideration, and have by a majority directed me to report the following article, entitled "Article —. Prohibition of License," which is in the following language:

"The Legislature shall not pass any act authorizing the granting of license for the sale of ardent spirits or intoxicating liquors as a beverage;"

Recommending that the same do pass, and ask to be discharged from the further consideration of the subject.

P. BILLS, *Chairman.*

The committee further report that the petitions for and against licenses are about 20,000 each, up to the present time. They have also several memorials upon which they beg leave to make further report before the time of a hearing on said report.

P. BILLS, *Chairman.*

The report was accepted.

The article was read a first and second time by its title, ordered printed, placed on the general order, and referred to the committee of the whole.

By a moiety of the committee on intoxicating liquors:

The undersigned, members of the committee on intoxicating liquors, to whom has been referred section 47, of article 4, of the present Constitution, and the numerous petitions, memorials and resolutions presented to the Convention, in favor of and in opposition to retaining the same in the proposed new Constitution, beg leave, respectfully, to report, that having given the same deliberate and careful consideration, they have arrived at the conclusion, that under the circumstances connected with the subject, the proper course to be adopted is, that the said

action, with a brief amendment, adding thereto the words "as beverage," shall be separately submitted to the electors of the State for their adoption or rejection, and they therefore respectfully report a resolution for that purpose.

D. GOODWIN,
THOMAS NINDE,
S. TITUS PARSONS,
JACOB FERRIS.

Dated June 27, 1867.

The report was accepted.

The resolution was ordered printed, placed on the general ordered, and referred to the committee of the whole.

By the committee on the Upper Peninsula:

The committee on the Upper Peninsula beg to report, that they have had under consideration the petition of the Rev. Dr. Duffield, A. H. Dey, Geo. S. Frost and others, of the city of Detroit, and have instructed their chairman to report that as the prayer of the petitioners can be granted only by a legislative enactment, no action can be taken thereon by this Convention; but inasmuch as said petition refers to the gross mismanagement of the copper interests of the Upper Peninsula, and contains a vigorous protest against the same—which your committee heartily indorse—they recommend that the same be printed in the journal, and ask to be discharged from its further consideration.

JAMES BURTENSHAW, *Chairman.*

Report accepted and committee discharged.

The petition was ordered printed at large in the journal, and is as follows:

To the Honorable, the Constitutional Convention, now in session at Lansing, Michigan:

Your memorialists respectfully present to the consideration of your Honorable body, the importance and necessity of adopting some organic provision in the Constitution for the protection of a very essential interest, against the serious evils threatening almost to destroy remunerative industry in the pro-

duction of one of the chief staples of Michigan. We allude to the copper mining interests of our Upper Peninsula. It is necessary for us to say anything on the subject of the value of this staple to our State, or of the absolute dependence of the Upper Peninsula upon its welfare and prosperity, or of the obligation of our citizens to foster it and protect it from speculation and rascality.

It is the present languishing condition of the copper interests of this State, and the causes injurious to them, as developed by the experience of past years, that we invite attention.

It may suffice in a few words to state them in the language of an intelligent gentleman, for many years intimately connected with the copper mining interests of this State:

"Speculation and not legitimate mining is the policy. Out of ten of the copper mining companies on Lake Superior, nine hold their stock for speculation and not investment. They look only to the rise in stock, and not to dividends for the turn. The stocks are constantly changing hands, and as holders hold for so short a time they feel no interest in the welfare of the mine, and consequently take none. They have but one interest—that is for a 'rise;' obtaining that, no matter from what cause obtained, they sell out, and other men buy their shares and go over the same course, sometimes succeeding in making a profit, and as often in making a loss. A combination of men will form a combination to buy up the stock of some company. They commence at first slowly and carefully 'picking up' the stock at as low figures as possible, until they have a sufficient quantity for their purpose, and then they commence buying largely, advancing the price rapidly, until it reaches the wished-for point; and the great outside price seeing something going on, they know not what, 'dip in;' the combination quietly unload their stock at the high price and step out of the 'ring,' leaving the stock in the hands of those who know nothing of its value, and have to sustain a loss, if any. As soon as the combination 'unloads,' that is, get rid of their stock, they cease to buy any more. The publi

aded and the price begins to fall, and soon finds its former value, which is generally its true value. And so the matter goes on, first in one stock and then in another. Now, this kind of thing is what kills all mining enterprise on Lake Superior, and will continue to kill it so long as it is carried on. I see no hope for the future, except in a total radical change in the method of management. When this will occur depends upon a variety of causes. When copper mines are managed after the manner of our cotton factories, then you will see them productive and paying properties."

These are the statements of a gentleman of large experience and observation, a director, and extensively interested in the copper mines of this State in the city of Boston. The spirit and practice of stock gambling, so prevalent in our large commercial cities, have found facilities for indulgence by means of our copper mining companies. Under the false plea for attracting capital to this State, by the advantages they now offer, they have actually absorbed this important industrial enterprise and made it the pretext and foot-ball of endless gambling rascality.

Out of several hundred copper mining companies in this State during the past 20 years, but four or five have paid a dividend. Millions of money have been squandered, and the capital destroyed exceeds the amount of what has been realized by the production and sale of the metal. It is too important a staple of interest in our State thus to be left at the mercy of speculators and gamblers.

We therefore respectfully suggest the adoption of the following, or some similar and more effectual provision, in the Constitution, to regulate the legislation of our State upon its copper mining interests:

"All mining corporations created in the State shall be required to have their regular offices of business in the State, and shall have a majority of their boards of directors citizens, resident in Michigan, who shall hold their annual meetings and meetings to legalize their procedures within it, and who shall make and publish in the State regular quarterly reports, and

file copies of the same with the Secretary of the commonweal for public use, which reports shall contain not only a full and accurate account of receipts and expenditures, of their operations, condition and property, but also of the names and residence of the stockholders."

That some preventive of the evils accruing to the copper interests of our State from the spirit of speculation and gambleria so rife in our large cities is needed, cannot be denied, is loudly demanded. Your memorialists respectfully submit the above, with all deference to the wisdom of your Honorable body.

Detroit, June 17, 1867.

REPORTS OF SELECT COMMITTEES.

By the special committee upon petition relative to smoking in public streets:

The committee, to which was referred the petition of Seymour Perry and twenty-five others, citizens of Grand Blanc, Genesee county, praying that "the smoking of tobacco in any form by any person or persons, be prohibited in the streets and other public places in the State," would respectfully report that they have had the same under consideration, and have instructed their chairman to report to the Convention, that, in the judgment of the committee, the subject of prohibiting the smoking of tobacco, as prayed for, is a matter of legislative discretion and not a proper subject for constitutional provision, and nothing on the subject need be inserted in the Constitution, and ask to be discharged from the further consideration of the subject.

JACOB FERRIS
H. R. LOVELL
N. I. DANIEL.

Report accepted and committee discharged.

The petition was laid on the table.

MOTIONS AND RESOLUTIONS.

Mr. Norris offered the following resolution, which was adopted:

Resolved, That this Convention, greatly regretting its inability to attend the laying of the corner-stone of the Soldiers' and Sailors' Monument, at Detroit, on the coming 4th of July, as a body, hereby rescinds its former resolution accepting the invitation in that behalf, and requests as many of its individual members to attend as may find it in their power.

Mr. Leach offered the following preamble and resolution:

Whereas, The Convention did, on yesterday, by a decisive vote, determine to leave to the Legislature the power to fix the name, number, and duties of all State officers;

And whereas, It is desirable that uniformity and harmony should prevail throughout all parts of the Constitution; therefore,

Resolved, That the articles on counties and townships should be reconsidered and so amended as to leave the entire subject of county and township officers to the Legislature.

On motion of Mr. Leach,

The preamble and resolution were laid on the table.

Mr. Lamb offered the following resolution:

Resolved, That when the Convention this day adjourns, it do adjourn to Wednesday, the 7th day of August next, at 11 o'clock A. M.

Mr. Lovell moved that the resolution be indefinitely postponed.

Mr. Utely moved that Mr. Longyear be excused from voting;
Which motion prevailed.

The question being on the motion to indefinitely postpone the resolution of Mr. Lamb;

Mr. Lovell demanded the yeas and nays;

The demand was supported, and the motion to indefinitely postpone prevailed, the following being the vote thereon:

YEAS.

| | | |
|-------------|----------------|--------------|
| Mr. Andrus, | Mr. Henderson, | Mr. Root, |
| Barber, | Holt, | Sheldon, |
| Blackman, | Huston, | T. G. Smith, |
| Bradley, | Leach, | Stoughton, |
| Burtenshaw, | Lothrop, | Sutherland, |

Case,
Chapin,
Chapman,
Conger,
Corbin,
Farmer,
Ferris,
Giddings,
D. Goodwin,
Hazen,

Lovell,
Luce,
McClelland,
McConnell,
McKernan,
Miles,
Mussey,
Pringle,
Rafter,

Thompson,
Utley,
Van Riper,
Van Valkenburg,
Walker,
P. D. Warner,
M. C. Watkins,
Willard,
Williams,

43

NAYS.

Mr. Aldrich,
Alexander,
Bills,
Brown,
Coolidge,
Daniells,
Duncan,
Elliott,
Germain,

Mr. Hixson,
Holmes,
Hull,
Lamb,
Morton,
Murray,
Musgrave,
Ninde,
Norris,

Mr. Parsons,
Richmond,
Stockwell,
Tyler,
F. C. Watkins,
White,
Winans,
Yeomans,
President, 27

Mr. Giddings moved to take from the table Article —, entitled "State Officers;"

Which motion prevailed.

Mr. Giddings moved that the Article be made the special order for the 16th day of July.

Mr. Pringle moved to amend the motion by striking out the "16th day of July," and insert in lieu the word "to-day."

After some debate, the motion to amend was withdrawn.

The motion of Mr. Giddings was withdrawn.

Mr. Giddings moved to reconsider the vote by which sections 1, 4 and 5 of the article were stricken out yesterday, and a new section adopted as section 1.

Mr. Sutherland moved to lay the motion to reconsider on the table, and demanded the yeas any nays;

The demand was supported, and the motion to lay the motion to reconsider on the table did not prevail, the following being the vote thereon:

YEAS.

Mr. Chapin,
Corbin,
Farmer,

Mr. Hixson,
Huston,
Murray,

Mr. Ninde,
Norris,
Sutherland, 9

NAYS.

| | | |
|--------------|-------------|-----------------|
| Mr. Aldrich, | Mr. Holmes, | Mr. Root, |
| Alexander, | Holt, | Sheldon, |
| Andrus, | Hull, | T. G. Smith, |
| Barber, | Leach, | Stockwell, |
| Bills, | Longyear, | Stoughton, |
| Blackman, | Lothrop, | Thompson, |
| Bradley, | Lovell, | Tyler, |
| Brown, | Luce, | Utley, |
| Burtenshaw, | McClelland, | Van Valkenburg, |
| Case, | McConnell, | Walker, |
| Coolidge, | McKernan, | P. D. Warner, |
| Conger, | Miles, | M. C. Watkins, |
| Daniells, | Morton, | F. C. Watkins, |
| Duncan, | Mussey, | White, |
| Germain, | Musgrave, | Willard, |
| Giddings, | Parsons, | Winans, |
| D. Goodwin, | Pringle, | Williams, |
| Hazen, | Rafter, | Yeomans, |
| Henderson, | Richmond, | President, |
| Lamb, | | |

57

Mr. McConnell moved that Mr. Norris be excused from voting;

Which motion did not prevail.

Mr. Norris then voted as recorded.

The question being on the motion of Mr. Giddings to reconsider the vote by which sections 1, 4, and 5, of Article —, entitled "State Officers," were stricken out and a new section adopted as section one;

Mr. Farmer demanded the previous question.

The demand was not supported.

The motion to reconsider prevailed.

Mr. Giddings moved that the article be made the special order for the 16th day of July;

Which motion prevailed.

Mr. White offered the following resolution:

Resolved, That hereafter no member of this Convention when absent, or while absent without leave, or upon leave upon his own or official business, shall be entitled to his per diem pay from the State; nor shall any member be en

when absent for any cause except sickness of himself or his family.

Mr. Barber moved to lay the resolution on the table.

Mr. White demanded the yeas and nays;

The demand was supported, and the resolution was laid on the table, the following being the vote thereon:

YEAS.

| | | |
|--------------|----------------|------------------|
| Mr. Aldrich, | Mr. Henderson, | Mr. Root, |
| Andrus, | Hixson, | T. G. Smith, |
| Barber, | Holmes, | Stockwell, |
| Bills, | Holt, | Stoughton, |
| Bradley, | Hull, | Sutherland, |
| Brown, | Huston, | Thompson, |
| Burtenshaw, | Leach, | Tyler, |
| Chapin, | Lothrop, | Utley, |
| Coolidge, | McKernan, | Van Riper, |
| Conger, | Miles, | Van Valkenburgh, |
| Corbin, | Murray, | Walker, |
| Daniells, | Musgrave, | P. D. Warner, |
| Farmer, | Ninde, | F. C. Watkins, |
| Ferris, | Norris, | Willard, |
| Germain, | Parsons, | Winans, |
| Giddings, | Rafter, | Williams, |
| D. Goodwin, | Richmond, | President, |

NAYS.

| | | |
|----------------|---------------|----------------|
| Mr. Alexander, | Mr. Longyear, | Mr. Pringle, |
| Blackman, | Lovell, | Sheldon, |
| Case, | Luce, | M. C. Watkins, |
| Chapman, | Morton, | White, |
| Duncan, | Mussey, | Yeomans, |
| Lamb, | | |

THIRD READING OF ARTICLES.

Article —, entitled "Finance and Taxation," being under consideration,

On motion of Mr. Leach,

The article was laid on the table.

On motion of Mr. Henderson,

The Convention went into committee of the whole on the general order,

Mr. Conger in the chair.

IN COMMITTEE OF THE WHOLE.

The committee resumed the consideration of the article entitled "Bill of Rights."

The article having been read through, and section 8 being under consideration,

Mr. D. Goodwin moved to strike out the words "of the nature," in the second line;

Which was agreed to.

Section 9 being under consideration,

Mr. Ferris moved to strike it out.

Mr. Willard moved to strike out the word "either," in line 2 of section 9, and to add after the word "choice," the following: "or both in his own person, or by attorney."

After some debate the motion was withdrawn.

The motion to strike out was lost.

Section 10 being under consideration,

Mr. Daniells moved to strike out at the end of the section the words "supported by oath or affirmation;"

Which motion was lost.

Section 11 being under consideration,

Mr. Blackman moved to insert in line 1, after the word "acquittal," the words "or conviction;"

Mr. Stoughton moved to amend the amendment by striking out the first sentence of the section, and inserting in lieu thereof the words, "no person shall be twice put in jeopardy for the same offense."

The amendment of Mr. Blackman was withdrawn.

The question being on the amendment of Mr. Stoughton, it was lost.

Section 12 being under consideration,

Mr. T. G. Smith moved to strike out the word "only," in 1st line thereof;

Which motion did not prevail.

Section 14 being under consideration,

Mr. Thompson moved to strike out the word "to," in the second line;

Which was agreed to.

Mr. Rafter moved that the committee rise, report progress, and ask leave to sit again;

Which motion did not prevail.

Section 15 being under consideration,

Mr. Chapin moved to strike out the article "a," before the word "contract," in the first line;

Which was agreed to.

Mr. Ferris moved to insert in the second line, after the word "trust," the words "or breach of promise to marry."

Mr. Pringle moved to amend the amendment by striking out the words "breach of;"

Which was accepted.

The amendment as modified, was then adopted.

Mr. Lovell moved to strike out of the third line the words "in time of peace;"

Which motion did not prevail.

Mr. Pringle moved that section 16 be stricken out;

Which motion prevailed.

Section 17 being under consideration,

Mr. Croswell moved to strike out the words "of himself and the State," and insert the word "common," before the word "dépense;"

Which motion prevailed.

Section 18 being under consideration,

Mr. Miles moved to strike out of the first line the words, "in all cases and at all times;"

Which was agreed to.

Section 19 being under consideration,

Mr. VanValkenburgh moved to amend it by inserting after the word "occupant," the words "except in time of war;"

Which was not agreed to.

Mr. P. D. Warner moved that the committee rise, report progress, and ask leave to sit again.

Which motion was lost.

Section 20 being under consideration,

Mr. Alexander moved to strike out of the second line the words "for redress of grievances;"

Which motion was lost.

Mr. Willard moved to strike out the word "together," in the first line of the section;

Which was not agreed to.

Section 21 being under consideration,

Mr. Blackman offered the following substitute therefor:

Sec. 21. Slavery shall never be tolerated in this State.

Mr. Bills moved to amend the original section by striking out the words "unless for the punishment of crime," in the first line;

Which, after some debate, was withdrawn.

The question recurring on the substitute,

It was not adopted.

Section 22 being under consideration,

Mr. Williams moved to amend it by inserting the word "who," before the word "may," in the first line;

Which was not agreed to.

Mr. Miles moved to strike out of the first line of the section, the words "who are or may hereafter become bona fide residents of this State;"

Which was not agreed to.

Mr. D. Goodwin moved that section 22 be stricken out.

Mr. P. D. Warner moved to amend the section by striking out in the first line, to and including the word "bona fide," and insert the word "all;" also strike out the words "as native born citizens," in the second and third lines;

Which motion was lost.

The question recurring on striking out the section,

The motion was lost.

Section 23 being under consideration,

Mr. McClelland moved to amend it by adding thereto the following: "To be paid or secured in such manner as shall be provided by law."

Mr. Alexander moved to amend the amendment by adding

the words, "and such compensation shall be without deduction for benefits to any property of the owner."

Mr. Lothrop moved that the committee rise, report progress, and ask leave to sit again.

The motion prevailed.

IN CONVENTION.

The committee, through the chairman, made the following report:

The committee of the whole have had under consideration Article —, entitled "Bill of Rights;"

Have made some progress therein, but not having gone through therewith, have directed me to report that fact to the Convention, and ask leave to sit again.

O. D. CONGER, *Chairman.*

Report accepted and leave granted the committee to sit again.

On motion of Mr. Pringle,

The Convention took a recess until 3 o'clock.

AFTERNOON SESSION.

3 o'clock P. M.

The Convention was called to order by the President.

Roll called: a quorum present.

Mr. Aldrich asked and obtained leave of absence for himself, for an indefinite time, on account of sickness.

Mr. Leach asked and obtained leave of absence, after to-day for an indefinite time.

Mr. Stockwell asked and obtained leave of absence for himself, after to-day, for an indefinite time.

Mr. Parsons asked and obtained leave of absence for himself after to-day, for an indefinite time.

Mr. Germain asked and obtained leave of absence for himself, after to-day, for an indefinite time.

Mr. Coolidge asked and obtained leave of absence for himself after to-day, until the 3d of July.

Mr. Lothrop asked and obtained leave of absence for himself, after to-day, until the 3d of July.

Mr. Duncan asked and obtained leave of absence for himself, after to-day, for an indefinite time.

Mr. McConnell asked and obtained leave of absence for himself, after to-day, until the 3d of July.

Mr. F. C. Watkins asked and obtained leave of absence for himself, for an indefinite time.

Mr. Chapin asked and obtained leave of absence for himself, after to-day, for an indefinite time.

Mr. Thompson moved that when the Convention adjourns to-day, it adjourn until the 9th of July.

Mr. Lamb moved to amend the motion of Mr. Thompson by striking out "the 9th of July," and inserting in lieu "the 14th of August,"

Mr. Lamb demand the yeas and nays;

The demand was not supported.

The amendment was lost.

The question recurring on the motion of Mr. Thompson,

Mr. McClelland demanded the yeas and nays;

The demand was supported, and the motion did not prevail, the following being the vote thereon:

YEAS.

| | | |
|--------------|------------|--------------|
| Mr. Aldrich, | Mr. Hull, | Mr. Root, |
| Alexander, | Huston, | T. G. Smith, |
| Bills, | Leach, | Stockwell, |
| Daniells, | Lothrop, | Thompson, |
| Duncan, | McConnell, | Van Riper, |
| Farmer, | Morton, | White, |
| Germain, | Parsons, | President, |
| Hixson, | | |

22

NAYS.

| | | |
|-------------|----------------|-------------|
| Mr. Andrus, | Mr. Henderson, | Mr. Rafter, |
| Barber, | Holmes, | Richmond, |
| Blackman, | Holt, | Sheldon, |
| Bradley, | Lamb, | Stoughton, |
| Brown, | Lovell, | Sutherland, |
| Burtenshaw, | Luce, | Tyler, |
| Case, | McClelland, | Utley, |

| | | |
|----------|----------|-----------------|
| Chapman, | Miles, | Van Valkenburg, |
| Conger, | Mussey, | Walker, |
| Corbin, | Ninde, | M. C. Watkins, |
| Ferris, | Norris, | Willard, |
| Hazen, | Pringle, | Williams, 36 |

Mr. Lovell asked unanimous consent to move that the reports of the committee on intoxicating liquors be made the special order for the 10th of July;

Objection being made,

Mr. Lovell moved to suspend the rule, that he might offer a resolution to discharge the committee of the whole from the further consideration of the reports from the committee on intoxicating liquors, and that the same be made the special order for the 10th day of July next;

Which motion was lost.

Mr. Alexander asked and obtained leave of absence for himself, after to-day, until the 3d of July.

Mr. Bradley asked and obtained leave of absence for himself, after to-day, until the 3d of July.

Mr. Lovell moved to reconsider the vote by which the motion to adjourn until the 9th of July was lost.

Mr. Blackman demanded the yeas and nays;

The demand was not supported.

The motion to reconsider prevailed.

Mr. Norris moved to amend the motion so as to provide that the Convention do now adjourn until the 9th of July, at 11 o'clock A. M.;

Which was accepted.

The question being on the motion to adjourn, as amended,

Mr. Conger demanded the yeas and nays;

The demand was supported, and the motion prevailed, the following being the vote thereon:

YEAS.

| | | |
|--------------|-------------|------------------|
| Mr. Aldrich, | Mr. Hixson, | Mr. T. G. Smith, |
| Alexander, | Holmes, | Stockwell, |
| Andrus, | Hull, | Stoughton, |
| Barber, | Huston, | Sutherland, |

Bills,
Brown,
Chapin,
Chapman,
Coolidge,
Daniells,
Duncan,
Farmer,
Germain,

Leach,
Lothrop,
Lovell,
Luce,
McConnell,
Murray,
Norris,
Parsons,
Root,

Tyler,
Utley,
Van Riper,
Van Valkenburg,
P. D. Warner,
White,
Winans,
Williams,
President, 39

NAYS.

Mr. Blackman,
Case,
Conger,
Corbin,
Ferris,
D. Goodwin,
Hazen,

Mr. Henderson,
Holt,
Lamb,
McClelland,
Miles,
Ninde,
Pringle,

Mr. Rafter,
Richmond,
Sheldon,
Thompson,
M. C. Watkins,
Willard, 20

THIRTY-SIXTH DAY.

Lansing, Tuesday, July 9, 1867.

The Convention was called to order by the President at 11 o'clock A. M.

Prayer by Rev. Mr. Spencer.

Roll called: not a quorum present.

On motion of Mr. Norris,

The Convention adjourned.

THIRTY-SEVENTH DAY.

Lansing, Wednesday, July 10, 1867.

The Convention was called to order by the President, at 9 o'clock A. M.

Prayer by Rev. Mr. McIntire.

Roll called: a quorum present.

Absent without leave, Messrs. Alexander, Burtenshaw, Duncombe, Haire, Hazen, Hull, Lamb, Luce, Murray, Ninde, Stoughton, Utley, Van Riper, Winans and Williams.

Mr. Barber asked and obtained leave of absence for Mr. Lnce, for an indefinite time, on account of sickness.

Mr. Walker asked and obtained leave of absence for Mr. Williams, until the twelfth of July, on account of important business.

Mr. Coolidge asked and obtained leave of absence for Mr. Alexander, for the remainder of the week, on account of sickness.

Mr. Pratt asked and obtained leave of absence for himself, until to-morrow, on account of important business.

Mr. W. E. Warner asked and obtained leave of absence for Mr. Van Riper and Mr. Desnoyers, until to-morrow, on account of important business.

Mr. McConnell asked and obtained leave of absence for Mr. Harris, for an indefinite time, on account of sickness.

Mr. Lawrence asked and obtained leave of absence for Mr. Winans, for an indefinite time.

Mr. Miles asked and obtained leave of absence for Mr. Hazen, for to-day, on account of sickness.

Mr. M. C. Watkins asked and obtained leave of absence for Mr. Murray, for an indefinite time, on account of sickness.

Mr. Norris asked and obtained leave of absence for Mr. Ninde, for an indefinite time, on account of official business.

Mr. White asked and obtained leave of absence for Mr. Duncan, for to-day.

Mr. McKernan asked and obtained leave of absence for Mr. Burtenshaw, until Friday next.

Mr. Sutherland asked and obtained leave of absence for Mr. Turner, until Friday next, on account of official business.

Mr. Blackman asked and obtained leave of absence for Mr. Lamb, for an indefinite time, on account of sickness; also, for Mr. Duncombe, until Monday next, on account of sickness.

Mr. Holt asked and obtained leave of absence for Mr. Haire, for an indefinite time, on account of sickness.

PRESENTATION OF PETITIONS.

By Mr. Tyler: petition of Mrs. Annah Hoit, Mrs. Mary Ann Willington, Miss Sarah M. Schermerhorn, and 38 other women, and Mr. Alvin Hoit, Mr. Wm. J. Schermerhorn, and 29 other men, of Colon and vicinity, St. Joseph county, asking equal suffrage to men and women.

Referred to the committee on elections.

By the same: petition of Massena G. Thurston, John Vaughn, Mrs. Desire A. Cutter, Mrs. Huldah H. Dexter, and 59 other men and women, of Colon and vicinity, St. Joseph county, asking the retention, in substance at least, what is section 47, article 4, of the present Constitution, in the new instrument.

Referred to the committee on intoxicating liquors.

By Mr. Yeomans: petition of Hon. Hampton Rich, Rev. G. S. Barnes, C. Oscar Thompson, W. D. Arnold, A. C. Cadwell, G. S. Cooper, Harvey Harter, O. N. Boltwood and 10 other citizens of Ionia county, praying that the present Constitution be so amended as to forever disfranchise any and every person who may directly or indirectly engage in the manufacture or sale of intoxicating liquors as a beverage.

Referred to the committee on intoxicating liquors.

By Mr. Bills: petition of B. L. Baxter and others, of Tecumseh, asking that section 47, article 4, of the present Constitution, be inserted in the new;

By the same: petition of J. P. Slayton, J. L. Waldo, and 170 others, of Tecumseh, asking to have inserted in the Constitution the following clause:

"The Legislature shall not, by grant of license or otherwise, authorize the manufacture or sale of intoxicating liquors to be used as a beverage, but shall by law prohibit the same;"

By the same: petition of Wm. R. B. Powers, E. Hause, David Jones and David McNair, and 22 other voters of Tecumseh, asking that the manufacture and sale of intoxicating liquors be prohibited by law.

Referred to the committee on intoxicating liquors.

By Mr. Divine: petition of Mary Vasey, and 21 other ladies of Lexington, Sanilac county, Michigan, in favor of retaining in the new Constitution section 47, article 4, of the present one;

By the same: petition of Elizabeth A. Stecker and 63 other persons, citizens in the town of Sanilac, in Sanilac county, on the same subject;

By the same: petition of Lucinda Law, and 76 other citizens of the town of Sanilac, in Sanilac county, on the same subject;

By the same: petition of Mark Willis and 69 other citizens of Sanilac county, on the same subject;

By the same: petition of Hon. L. L. Mixson, Rev. J. A. Baughman, and 25 other citizens of Lexington, Sanilac county, on the same subject;

By the same: petition of Mrs. C. H. Moore and 107 other ladies of Lexington, Sanilac county, on the same subject;

By the same: petition of Rev. Charles Spooner and 15 other citizens of the town of Lexington, Sanilac county, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. Sheldon: petition of A. D. Gilmore and 47 others, for prohibiting sale of spirituous liquors as a beverage.

Referred to the committee on intoxicating liquors.

By Mr. White: petition of Mrs. George Henika, Mrs. Isaac Buskerk, and Miss Etta Van, Miss Jossie White, and 38 other ladies, residents of Wayland, Allegan county, praying that section 47, article 4, of the present Constitution, be retained in the new.

Referred to the committee on intoxicating liquors.

By Mr. Morton: petition of N. Homer and 39 others, in favor of a license law for the sale of intoxicating liquors.

Referred to the committee on intoxicating liquors.

By Mr. Thompson: petition of O. C. Gale, Harmon Fowler, A. Vanalstine and 57 others, for a license law.

Referred to the committee on intoxicating liquors.

MOTIONS AND RESOLUTIONS.

Mr. Blackman offered the following resolution:

Resolved, That the committee on printing be instructed to take measures to secure the printing of the debates and proceedings of this Convention within a reasonable time after their occurrence; and in case the printer at present engaged to print the same cannot hasten their publication, that said committee be instructed to take such steps as may be deemed necessary to procure the same to be done by other parties, if the same can be done so as to secure the more speedy execution of the work.

Mr. Coolidge moved to lay the resolution on the table;

Which motion did not prevail.

The resolution was adopted.

Mr. Blackman offered the following resolution:

Resolved, That the Secretary of this Convention be directed to cause to be printed daily in the journals, the names of absentees, distinguishing between them as follows, viz:

First. The names of absentees on account of sickness;

Second. Of those absent with leave for other causes;

Third. Of those absent without leave.

On motion of Mr. Pratt,

The resolution was laid on the table.

The Convention went into committee of the whole on the general order,

Mr. Pringle in the chair.

IN COMMITTEE OF THE WHOLE.

The committee resumed the consideration of Article —, entitled "Bill of Rights."

The pending question being on the amendment of Mr. Alexander to the amendment offered by Mr. McClelland to section 23, which amendment to the amendment is as follows:

"And such compensation shall be without deduction for benefits to and property of the owner."

It was not agreed to.

The question recurring on the amendment of Mr. McClelland, to add at the end of section 23 the following words: "to be paid or secured as shall be provided by law;"

It was not adopted.

Mr. Willard moved that the word "therefor," in line two, of section 23, be stricken out;

Which was not agreed to.

The consideration of the article having been completed,

Mr. Bills moved that the committee take up the article entitled "Elections."

Mr. Coolidge moved to amend the motion by substituting "Legislative Department," for "Elections;"

Which was agreed to.

The motion as amended then prevailed.

The article entitled "Legislative Department" having been read, and section 3 being under consideration,

Mr. McClelland moved to amend the section by inserting after the word "territory," in the fourth line, the words: "But no township or city shall be divided in the formation of a representative district. When any township or city shall contain a population which entitles it to more than one representative, then such township or city shall elect by general ticket the number of representatives to which it is entitled;"

Which was not adopted.

Mr. Morton moved to amend section 3, line 4, by inserting after the word "territory," the following:

"But the electors of any representative district in the State may elect a representative to the Legislature residing in any other district in the same county."

After some debate the amendment was withdrawn.

Mr. Van Valkenburgh moved to strike out all after "including," in the third line, to "and," in the fourth line, and insert "all male Indians, 21 years of age, natives of the United States;"

Which, by request, was withdrawn.

Mr. Winsor moved to add to the section the following:

"*Provided*, That each organized county or counties hereafter

organized, with such territory as may be attached thereto, shall be entitled to a separate Representative when it has attained a population equal to a moiety of the ratio of representation;"

Which motion was lost.

Section 5 being under consideration,

Mr. Willard moved to amend it by inserting in line 6, after the word "increased," the words "by the Legislature;"

Which was agreed to.

Mr. McClelland moved to add to section 5 the following:

"No person elected a member of the Legislature shall receive any civil appointment within this State or to the Senate of the United States, from the Governor and Senate, from the Legislature or any State authority, during the time for which he is elected. All such appointments and all votes given for any person so elected for any such office and appointment shall be void."

Mr. Crosswell moved to amend the amendment by inserting after the word "Senate," the words "except notary public;"

Which was adopted.

Mr. Burtch moved that the committee rise, report progress, and ask leave to sit again.

The motion prevailed.

IN CONVENTION.

The committee, through the chairman, made the following report:

The committee of the whole have had under consideration Article —, entitled "Bill of Rights;"

Have made sundry amendments thereto, and have directed their chairman to report the same back to the Convention, asking concurrence therein, and recommend its passage.

The committee of the whole have also had under consideration Article —, entitled "Legislative Department;"

Have made some progress therein, but not having gone

through therewith, have directed me to report that fact to the Convention, and ask leave to sit again.

EUGENE PRINGLE, *Chairman.*

Report accepted, and leave granted the committee to sit again.

On motion of Mr. Lovell,

The Convention took a recess until 3 o'clock.

AFTERNOON SESSION.

3 o'clock P. M.

The Convention was called to order by the President.

Roll called: a quorum present.

The article entitled "Bill of Rights" being before the Convention,

Mr. Willard moved that the article be laid upon the table;

Which motion prevailed.

On motion of Mr. P. D. Warner,

The Convention went into committee of the whole on the general order,

Mr. Pringle in the chair.

IN COMMITTEE OF THE WHOLE.

The committee resumed the consideration of the article entitled "Legislative Department."

The pending question being on the amendment of Mr. McClelland,

Mr. Croswell moved to amend the amendment by inserting after the word "elected," and before the word "all," the words, "nor shall any member of Congress or State officer receive such appointment;"

Which motion was lost.

The question recurring on the amendment of Mr. McClelland, It was not adopted.

Section 5 being under consideration;

Mr. Stockwell moved to amend it by striking out in line 2,

the words "some county embraced in;" also, "or of which said district shall be a part;" also, strike out in line 3 the words, "county, or the counties comprising his;"

Which amendments were agreed to.

Section 6 being under consideration,

Mr. Mussey offered the following substitute:

Section 6. No person holding any elective State office except that of Regent of the University or member of the Board of Education, nor any one holding the office of Probate Judge, County Clerk, Register of Deeds, County Treasurer, Sheriff, County Superintendent of Schools, Prosecuting Attorney or any office to which he was appointed by the President of the United States, by and with the advice and consent of the Senate, shall be eligible to, or have a seat in either House of the Legislature.

Mr. Holt moved to amend the section by striking out the word "or," in the second line, and inserting in lieu thereof, the words "and no person;"

Which was adopted.

Mr. Richmond moved to amend the section by striking out "allowed to take," in 5th line, and insert "eligible to," and add to end of section, "and all votes given for any such person shall be void;"

Which motion was lost.

Mr. Longyear moved to amend the section by striking out in lines one and two, the words "except that of Regent of the University, or Member of the Board of Education;"

Which was not agreed to.

Mr. Daniells moved to amend the section by striking out of the second line the words "holding the office;"

Which, after some debate, was withdrawn.

Mr. McKernan moved to amend the section by striking out all after "holding," in the first line, to and including the word "or," in the third line;

Which was not agreed to.

Mr. P. D. Warner moved to amend the Section by adding

the word "common," before the word "schools," in the third line;

Which was agreed to.

The question recurring on adopting the substitute,

Mr. Conger moved to amend it by striking out in the last line the words "eligible to or have," and insert "allowed to take or hold;"

Which was accepted.

The question being on the adoption of the substitute for section 6,

After some debate and with consent, it was withdrawn.

Mr. Ferris moved that the committee rise, report progress, and ask leave to sit again.

The motion prevailed.

IN CONVENTION.

The committee, through the chairman, made the following report:

The committee of the whole have had under consideration Article —, entitled "Legislative Department;"

Have made some progress therein, but not having gone through therewith, have directed me to report that fact to the Convention, and ask leave to sit again.

E. PRINGLE, *Chairman.*

Report accepted and leave granted the committee to sit again.

On motion of Mr. Holt,

The Convention adjourned.

THIRTY-EIGHTH DAY.

Lansing, Thursday, July 11, 1867.

The Convention was called to order by the President at 9 o'clock A. M.

Prayer by Rev. Mr. Olds.

Roll called: a quorum present.

Absent without leave, Messrs. Hull and Utley.

Mr. Stoughton asked and obtained leave of absence for Mr. Hull, for an indefinite time.

Mr. Estee asked and obtained leave of absence for Mr. Utley, for an indefinite time.

Mr. D. Goodwin asked and obtained leave of absence for himself for an indefinite time, on account of official business.

PRESENTATION OF PETITIONS.

By Mr. Mussey: petition of A. M. Keeler, J. Bentley and 25 others, praying that a clause may be inserted in the Constitution securing to widows the fee of one-third of the real estate of their deceased husbands.

Referred to the committee on the judicial department.

By the same: petition of Emily Walton, Mrs. A. J. Tedman and 45 others, asking that the provision in the present Constitution prohibiting the granting of license to sell intoxicating liquors as a beverage, be retained in the new;

By the same: petition of Mrs. J. Butterfield, Caroline Price and 124 others, on the same subject;

By the same: petition of Mrs. A. B. Ayer, Mrs. Sophia Palmer and 93 others, on the same subject;

By the same: petition of Elizabeth A. Barbour, Mary Washer and 73 others, on the same subject;

By the same: petition of Mrs. Sarah H. Jackman, Mrs. Ruth Palmer, Mrs. Mary Thorington and 80 others, on the same subject;

By the same: petition of Carrie Libbet, Mrs. James Gray, and 70 others, on the same subject;

By the same: petition of Ella Hulsort, Martha J. Lawrence and 29 others, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. Stockwell: petition of Norman Cleveland, Abram J. Grant, E. W. Curtis and 35 others, legal voters of Dover, Lenawee county, praying that section 47, article 4, of the present Constitution, be retained in the new.

Referred to the committee on intoxicating liquors.

By Mr. Turner: petition of W. W. Byrely, W. D. Castle, James VanGorder, O. F. Hulsted, and Hellen E. Simmons, Martha Pitts, and 63 other ladies and gentlemen, of the town of Bennington, Shiawassee county, praying for a provision in the new Constitution, prohibiting the granting of license for the sale of intoxicating liquors;

By the same: petition of Duane Cooper, G. M. Raynolds, J. H. Hartwell, C. Gale, Rollin Pond, E. Eddy, G. F. Cooley and 100 other legal voters of the towns of Shiawassee and Bennington, on the same subject.

Referred to the committee on intoxicating liquors.

By the same: petition of W. H. Clague, J. H. Hitchcock, E. D. Gregory, J. M. Chipman, E. G. Hamblin, L. A. Stone, S. D. Wiley, Hiram L. Chipman, and 70 other citizens of the city of Owosso, praying for a provision in the new Constitution, requiring the State lands to be disposed of, only under the provision of the homestead law, and also prohibiting the passage of any law exempting property from legal process for labor performed upon it.

Referred to the committee on public lands.

By Mr. Shearer: petition of Joseph Tisman, John H. Vining, J. M. Bentley and 75 others, for a well regulated license law for the sale of intoxicating liquors.

Referred to the committee on intoxicating liquors.

By Mr. Barber: petition of Ezra Berry, Chas. W. Bennett and 88 other legal voters of the village of Quincy, Branch county, asking that section 47, article 4, of the present Constitution, be retained.

Referred to the committee on intoxicating liquors.

By Mr. Mussey: petition of A. E. Leete, H. O. Smith, A. B. Rawles and 28 others, asking the Convention to take into consideration the propriety of engrafting in the Constitution such a provision as will secure the appointment of the judges by and with the consent of the Senate.

Referred to the committee on the judicial department.

By Mr. Norris: petition of Mary H. Barker, Mrs. Ismon and Mrs. Lathrop, and 9 other ladies of Jackson city; and of Daniel Upton, J. M. Bostwick, L. F. De Land, W. L. Seaton, D. B. Hibbard, and 13 other men, asking the elective franchise for all women above the age of 21.

Referred to the committee on elections.

By Mr. Norris: petition of O. Hawkins and 29 others, members of the bar of Washtenaw county, praying that the number of judicial circuits in the State be reduced to eight, and for an increase of the salaries of the judges; also, for retaining the present judicial system; also, against the creation of county courts and courts of common pleas; also, in favor of the appointment of judges of the supreme and circuit courts by the Governor, with the advice and consent of the Senate; also, that no person except a counselor-at-law shall be eligible to the office of judge of probate.

So much of the petition as relates to the judiciary was referred to the committee on the judicial department.

So much as relates to salaries was referred to the committee on salaries.

COMMUNICATIONS FROM STATE OFFICERS.

The President announced the following:

DEPARTMENT OF PUBLIC INSTRUCTION, }
OFFICE OF SUPERINTENDENT, }
Lansing, June 24, 1867. }

HON. CHARLES M. CROSWELL, *President of the Constitutional Convention:*

SIR—In compliance with a resolution passed by the Convention on the 15th inst., I have the honor to transmit herewith a statement of the whole number of children in the State entitled to draw public money; also, the average length of time the schools are taught; also, the whole number attending these schools. I also beg leave to call the attention of the

Convention to certain changes in our school system, deemed necessary to secure the most complete results of the system.

Very respectfully,

O. HOSFORD,

Supt. Public Instruction.

The communication was laid on the table and ordered printed at large in the journal, and is as follows:

A summary of the number of children of the State entitled to public money, and the number attending school, &c., as shown by the reports of the school inspectors for the year 1866.

The whole number of children between the ages of five and twenty years is 321,136. This shows an increase over 1865 of 22,683—an increase unprecedented in the history of the State. In 1865 the increase was 17,440, an increase so much greater than had before been known as to surprise those most familiar with our school statistics.

Of the 321,136, but 246,957 are reported as attending school. This shows that there are 74,179 who never find their way to the school room.

There are two causes operating to produce this result—one is a want of room in the school-houses to accommodate all who are desirous of attending the schools. This is especially true in the cities and large towns. In some places they are compelled to resort to the expediency of forming two divisions of the children, one of the divisions attending in the morning, and the other in the afternoon of each day; and with this arrangement, only a part of the children are accommodated who are desirous to attend the schools, the larger part it is true; yet there are hundreds,—yes, thousands of children in this State to-day, pleading for a place in our schools, but are denied because there is no room. Something should at once be done to furnish this room. These thousands are passing their school years in the midst of schools, and with an earnest desire on the part of both parents and children, to be permitted to enjoy the privileges of the schools, but are denied them because there is no room for them. This state of things is not incidental or

temporary, but has existed for some years; and from present appearances is likely to continue.

Whether this is a matter which concerns the Constitutional Convention, is for the Convention to decide. Some action should be taken by some body of men, either the present Convention or Legislature, to remove this stigma from our State which enjoys such an enviable reputation for its educational advantages. In regard to this matter, I have no recommendation to make, but would simply call the attention of the Convention to the facts stated.

The other cause for the absence of so many from our schools is, the utter indifference of parents in respect to the education of their children. It may be a serious question to determine what to do to secure the attendance of these children upon the schools. If a law requiring that all the children between certain ages shall be sent to school a given portion of each year, and sent regularly, could be sustained by the people, the case would be met.

Such a law should be sustained. Men of wealth are taxed heavily to support the schools, although they have no children to send to them. This tax is regarded as just, and no one refuses to pay it, because the State is benefited by the education of these children.

Numbers of the children of the poor would be deprived of education were it not for this tax. The State is made stronger, and the life and property of the citizens safer, in consequence of the universal education of the people. Each man's property is made more valuable by it, hence the system of taxation to support our schools is acknowledged to be just. But if the children for whom the schools are created and sustained do not attend them, then no equivalent of any kind is returned to the one taxed for what is taken from him. If, therefore, the right of tax is granted, (and who doubts it?) is there not an equal right to require the regular attendance upon the schools, of those for whom the tax is raised. I do not, however, propose to discuss the subject, but desire merely to present to the Con-

vention the entire matter, and recommend that some action be had in reference to it.

There is one thing more that I will bring to the notice of the Convention, and that is the system of county superintendence. This system has just been introduced in this State, and has had no time as yet to show its advantages. It has, however, been in operation for years in other States, and the results have been such as to fully settle the question of the value and importance of the system. I would, therefore, recommend that the office of county superintendent of schools be fixed in the Constitution as one of the county offices.

Very respectfully submitted.

O. HOSFORD,

Sup't Public Instruction.

On motion of Mr. Mussey,

The Convention went into committee of the whole, on the general order,

Mr. Pringle in the chair.

IN COMMITTEE OF THE WHOLE.

The committee resumed the consideration of the Article entitled "Legislative Department."

Section 6 being under consideration,

Mr. Miller moved that it be stricken out;

Which motion was lost.

Section 8 being under consideration,

Mr. Coolidge moved to amend it by striking out the word "second," in the third line;

Pending which,

Mr. Stockwell moved that the committee rise, report progress, and ask leave to sit again.

The motion prevailed.

IN CONVENTION.

The committee, through the chairman, submitted the following report:

The committee of the whole have had under consideration Article —, entitled "Legislative Department;"

Have made some progress therein, but not having gone through therewith, have directed me to report that fact to the Convention, and ask leave to sit again.

EUGENE PRINGLE, *Chairman.*

Report accepted, and leave granted the committee to sit again.

On motion of Mr. Holmes,

The Convention took a recess until 3 o'clock.

AFTERNOON SESSION.

3 o'clock P. M.

The Convention was called to order by the President.

Roll called: a quorum present.

On motion of Mr. Mussey,

The Convention went into committee of the whole on the general order,

Mr. Pringle in the chair.

IN COMMITTEE OF THE WHOLE.

The committee resumed the consideration of the article entitled "Legislative Department."

The pending question on the being amendment of Mr. Coolidge to section 8, to strike out the word "second," in the third line;

After considerable debate, the amendment was adopted.

Mr. Bills moved to further amend the section by striking out the word "second," in the first and second lines, and insert in place thereof the word "first."

The question being taken and no quorum voting,

On motion of Mr. Mussey,

The question was again taken, and

The amendment was lost.

Mr. Stockwell moved to strike out the word "January," in

the second and third lines of the section, and insert in lieu the word "December;"

Which motion was lost.

Mr. Burtch moved to amend the section by inserting the word "twentieth," in the third line, after the word "every;"

Which motion was lost.

Mr. Holt moved to strike out all after the word "member," where it occurs the first time in the fourth line, to and including the word "election," in the fifth line.

Mr. Ferris moved to amend the amendment by striking out all after the word "nor," 4th line, to and including "election," 5th line.

Mr. Burtch moved that the committee rise, report progress, and ask leave to sit again;

Which motion did not prevail.

The question being on the amendment to the amendment, It was not agreed to.

The question recurring upon the amendment of Mr. Holt, It was not adopted.

Section 9 being under consideration,

Mr. Burtch moved to amend it by inserting after "the," in the second line, the word "legal;"

Which was not agreed to.

Mr. Turner moved that the committee rise, report progress, and ask leave to sit again.

The motion prevailed.

IN CONVENTION.

The committee, through the chairman, submitted the following report:

The committee of the whole have had under consideration Article —, entitled "Legislative Department;"

Have made some progress therein, but not having gone through therewith, have directed me to report that fact to the Convention, and ask leave to sit again.

EUGENE PRINGLE, *Chairman.*

Report accepted and leave granted the committee to sit again.

On motion of Mr. Estee,

The Convention adjourned.

THIRTY-NINTH DAY.

Lansing, Friday, July 12, 1867.

The Convention was called to order by the President at 9 o'clock A. M.

Prayer by Rev. Mr. Potter.

Roll called: a quorum present.

PRESENTATION OF PETITIONS.

By Mr. Sutherland: petition of C. H. Winslow, F. Pistorins, and 83 other residents of Saginaw county, praying that a clause may be inserted in the new Constitution requiring the Legislature to authorize the issue of licenses for the sale of intoxicating liquors under proper restrictions.

Referred to the committee on intoxicating liquors.

By Mr. Miller: petition of E. L. Slawson, E. L. Baker, D. A. Slawson, S. J. Hitchcock, and 403 other persons, residents of the city of Saginaw, asking to have section 47, article 4, of the present Constitution, retained in the new.

Referred to the committee on intoxicating liquors.

By Mr. Mussey: petition of Mrs. Alice Hawscumb, Mrs. Ayres and 70 others, asking that the clause in the present Constitution prohibiting the granting of licenses for the sale of intoxicating liquors as a beverage, be retained in the new.

Referred to the committee on intoxicating liquors.

By Mr. Walker: petition of Rev. E. G. Vandusen, E. Chase, J. D. Sickles, and 35 other citizens of the town of Essex, Clinton county, and its vicinity, for the retention in the new Constitution of section 47, article 4, of the present Constitution.

Referred to the committee on intoxicating liquors.

By Mr. Barber: petition of Robert Swaffield, Phebe J. Howland and 51 other citizens of the town of Ovid, Branch county,

praying that the right of suffrage be extended to women, the same as to men.

Referred to the committee on elections.

By Mr. Divine: petition of F. L. Walter and 65 other citizens of Lexington, Sanilac county, in favor of a license law.

Referred to the committee on intoxicating liquors.

By Mr. Wright: petition of John W. Stebbins and 30 others, citizens of Barry county, in favor of prohibition;

By the same: petition A. P. Moore, S. C. Prindle, A. D. Rork and 70 other citizens of Barry county, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. Holt: petition of Wesley F. Wood, L. Reed, Thos. Wheeler, Samuel H. Stevens, Edward H. Wylie, Thos. J. Rand, Joseph H. Hackley, Henry J. Pemberton and 58 other citizens of Muskegon, Muskegon county, praying for the retention of section 47, article 4, of the old Constitution, in the new instrument.

Referred to the committee on intoxicating liquors.

MOTIONS AND RESOLUTIONS.

Mr. Lothrop offered the following resolution:

Resolved, That the committee on miscellaneous provisions, be instructed to inquire into the expediency of adopting some constitutional provision, by which public officers having charge of public moneys, shall be more effectually prevented from the unlawful use thereof, by loan or otherwise, and from receiving any compensation for such unlawful use.

Referred to the committee on miscellaneous provisions.

Mr. Sutherland offered the following resolution, which was adopted.

Resolved, That the Secretary of this Convention request, by circular addressed to each county clerk in this State, that such clerk report to this Convention, as speedily as practicable, how many causes, civil and criminal, were pending in the circuit courts of their respective counties, on the first day of January, 1866, and on the first day of July, 1867, and how many were,

in that period, disposed of by trial or judgment, and the aggregate amount of judgment in the civil causes.

Mr. Burtch offered the following resolution:

Resolved, That each organized county not entitled to a representative in the Legislature, be entitled to a delegate to represent the interest of such counties; but that said delegate shall have no vote, with such compensation as shall be provided by law.

On motion of Mr. Pringle,

The resolution was referred to the committee on miscellaneous provisions.

On motion of Mr. Blackman,

The Convention went into committee of the whole on the general order,

Mr. Pringle in the chair.

IN COMMITTEE OF THE WHOLE.

The committee resumed the consideration of the article entitled "Legislative Department."

Section 9 being under consideration,

Mr. Burtch moved to amend it by adding after the word "member," the words, "but no member shall be expelled without cause, nor without being heard in his defense;"

Which motion did not prevail.

Mr. Van Valkenburgh moved to amend the section by adding after the word "member," in the 4th line, the words, "the reasons for such expulsion shall be entered on the journal, with the names of the members voting on the question," and by inserting thereafter the words, "No member shall be expelled a second time," &c.;

Which was agreed to.

Section 10 being under consideration,

Mr. Miles moved to amend the section by striking out the words "for the first twenty days, and nothing thereafter;"

Which motion prevailed.

Mr. Ferris moved to amend the section by striking out lines 3 and 4, except "they," at the end of 4th line;

Which motion did not prevail.

Mr. Giddings moved to strike out all of the section after the first line.

Mr. Wright offered the following substitute for the section:

"The Legislature shall determine the compensation of its members: *Provided*, That such compensation shall not exceed six hundred dollars per annum."

Mr. McClelland offered the following as an amendment to the substitute:

"The members of the Legislature shall receive for their services a compensation, to be ascertained by law, and paid out of the public treasury; but no increase of the compensation shall take effect during the term for which the members of either House shall have been elected; such compensation shall not exceed four dollars per day, with ten cents mileage, for the distance actually traveled by the usual routes, and an allowance for stationery, postage and newspapers, not exceeding fifteen dollars for each member during any one session. When convened in extra session, they shall legislate on no other subjects than those expressly submitted by the Governor."

Mr. Conger moved to amend the section by inserting after the word "Legislature," in the first line, the words "during the session thereof."

The amendment, being entertained by unanimous consent, was agreed to.

Mr. Bills moved to amend the section by striking out the words, "their compensation shall be four dollars per day," in the second line, and the word "and," where it occurs the second time in the third line.

Which motion prevailed.

The question recurring on the motion of Mr. Giddings to strike out all after the first line of the section,

The motion did not prevail.

Mr. Blackman moved to add to the section the following:

"The members shall not receive the per diem compensation during a temporary adjournment of a longer time than five days;"

Which motion was lost.

Mr. Stoughton moved to amend the section by striking out the word "laws," in the eighth line, and inserting in lieu the words, "statutes and one copy of the."

The amendment, being entertained by unanimous consent, was not agreed to.

Mr. Withey moved to amend the section by adding at the end of the first line the words, "for actual attendance."

The amendment, being entertained by unanimous consent, was agreed to.

The question then being on the amendment of Mr. McClelland to the substitute offered by Mr. Wright,

It was not agreed to.

The question recurring on the substitute,

It was not adopted.

Section 12 being under consideration.

Mr. Ferris moved to strike out "and," after "Senate," in the first line, and insert after "Representatives," "and the chairmen of the standing committees," and strike out all in the second line after "compensation;"

Which motion did not prevail.

Mr. Morton moved that section 12 be stricken out.

Mr. Stockwell moved to amend the section by striking out the second line the words "six dollars," and inserting in lieu thereof the words "the same;"

Which motion prevailed.

Mr. Holt moved to amend the section by striking out the words, "and the Speaker of the House of Representatives," and the word "each," in the first line;

Which motion was lost.

Mr. Morton moved that the committee rise, report progress, and ask leave to sit again.

The motion prevailed.

IN CONVENTION.

The committee, through the chairman, submitted the following report:

The committee of the whole have had under consideration Article —, entitled "Legislative Department;"

Have made some progress therein, but not having gone through therewith, have directed me to report that fact to the Convention, and ask leave to sit again.

EUGENE PRINGLE, *Chairman*.

Report accepted, and leave granted the committee to sit again.

On motion of Mr. Henderson,

The Convention took a recess until 3 o'clock.

AFTERNOON SESSION.

3 o'clock P. M.

The Convention was called to order by the President.

Roll called: a quorum present.

Mr. Lothrop asked and obtained leave of absence for himself until Tuesday next.

Mr. Lovell asked and obtained leave of absence for himself until Tuesday next.

Mr. W. A. Smith, with unanimous consent, offered the following resolution, which was adopted:

Resolved, That the State Librarian be requested to communicate to this Convention information in regard to the length of each session of the Legislature, from and including the year 1835 to and including the year 1867.

Mr. Miles offered the following resolution, which was adopted:

Resolved, That the several county clerks in this State be required to furnish to this Convention, without delay, a statement showing the aggregate number of days session of the circuit court in their respective counties, during the year 1866.

On motion of Mr. Mussey,

The Convention went into committee of the whole on the general order,

“ Mr. Pringle in the chair.

—
IN COMMITTEE OF THE WHOLE.

The committee resumed the consideration of the article entitled “Legislative Department.”

The pending question being on the motion to strike out section 12;

It was withdrawn.

Mr. Turner moved to amend the section by inserting after the word “Senate,” in the first line, the words, “shall receive an annual salary of five hundred dollars, which shall be in full for his services as Lieutenant Governor and President of the Senate;”

Which amendment was adopted.

Mr. Morton moved to strike out the word “each,” at the end of the first line;

Which was agreed to.

Mr. Luce moved to strike out all of section 12, after the word “Senate,” where it occurs the second time;

Which motion prevailed.

Section 13 being under consideration,

Mr. Sawyer moved to strike out, in line 2, the word “each,” and insert in place thereof, the words “the rejected;” and in line 3, the words, “to both parties,” and insert in the same line, the word, “two,” in place of “four,” so that the section shall read:

“In case of a contested election, each house shall determine the amount of per diem compensation and mileage to be received by the rejected contestant, but the per diem compensation allowed shall not exceed the sum of two dollars per day;”

Which motion did not prevail.

Mr. Daniells moved to amend the section by striking out the word “each,” and insert “a,” in the 2d line; also, by striking out all after the word “contested,” in the 2d line.

Mr. Blackman moved as a substitute for the pending motion, to strike out all after the word "contestant," in 2d line of section 13; also, strike out the word "each," in same line, and insert in the place thereof, the words "the unsuccessful."

Mr. Ferris moved to amend the substitute by striking out all after "election," in 1st line, and insert "the unsuccessful contestant shall receive the same per diem compensation as a defeated candidate at an election, and no more;"

Which motion did not prevail.

The question recurring on the substitute of Mr. Blackman for the motion of Mr. Daniells,

It was not adopted.

Mr. Ferris moved to amend the amendment of Mr. Daniells by striking out "each," in the second line, and inserting in lieu, "the sitting member and the;"

Which motion was lost.

The question recurring on the amendment of Mr. Daniells,

It was not agreed to.

Mr. Farmer moved that section 13 be stricken out;

Which motion was lost.

Section 14 being under consideration,

Mr. Burtch moved to amend it by striking out the words "may require it," in the second line, and inserting in lieu the words, "the public good may require it to be kept secret;"

Which motion was lost.

Mr. Miles moved to amend the section by striking out of the third line the words, "entered on the journal," and insert in lieu thereof, the word "taken;"

Which motion was lost.

Mr. Ferris moved to amend the section by striking out in line three, the words "shall be entered in the journal," and insert, "may be ordered;"

Which was not agreed to.

Section 17 being under consideration,

Mr. Ferris moved to strike out of the last clause, all after the word "Legislature;"

Which motion did not prevail.

Mr. Conger moved to amend the section by striking out the word "fifty," in the second line, and inserting in lieu, the word "forty;"

Which was agreed to.

Mr. Mussey moved to amend section 17 by inserting after the word "Legislature," in line 1, "except appropriations of the public moneys which shall originate in the House of Representatives only;"

Which motion did not prevail.

Mr. P. D. Warner moved to amend the section by inserting after the word "bill," in the first line, the words, "except appropriation bills;"

Which motion prevailed.

Mr. Blackman moved that the committee rise, report progress, and ask leave to sit again.

The motion prevailed.

IN CONVENTION.

The committee, through the chairman, made the following report:

The committee of the whole have had under consideration Article —, entitled "Legislative Department;"

Have made some progress therein, but not having gone through therewith, have directed me to report that [fact to the Convention, and ask leave to sit again.

E. PRINGLE, *Chairman.*

Report accepted and leave granted the committee to sit again.

On motion of Mr. Morton,

The Convention adjourned.

Lansing, Saturday, July 13, 1867.

The Convention was called to order by the President at 9 o'clock A. M.

Prayer by Rev. Mr. Spencer.

Roll called: a quorum present.

Mr. Pringle asked and obtained leave of absence for himself, from 4:45 this afternoon, until 10 o'clock Monday morning next.

Mr. Longyear asked and obtained leave of absence for himself, for this afternoon.

PRESENTATION OF PETITIONS.

By Mr. Ingalls: petition of Mathew H. Maynard, H. D. Smith and Jas. M. Wilkinson, for appointment of judges of supreme and circuit courts by the Governor and Senate.

Referred to the committee on the judicial department.

By Mr. Pratt: petition of Wm. R. Montgomery and others, supervisors of Hillsdale county, praying that fines incurred may be credited to the poor fund.

Referred to the committee on finance and taxation and education, jointly.

By the same: petition of Mrs. H. S. Mitchell, Mrs. E. N. Whittee, Mrs. M. L. Armstrong, Mrs. S. Maria Batsford, Mrs. David Thompson, Henry Blackman, David L. Pratt, jr., and 122 other citizens, men and women of Hillsdale county, in favor of prohibiting the granting of license for the sale of intoxicating liquors as a beverage;

By the same: petition of D. H. Lord, H. L. Hull, C. E. Mott and 132 others, legal voters of Hillsdale county, on the same subject.

Referred to the committee on intoxicating liquors.

COMMUNICATIONS FROM STATE OFFICERS.

The President announced the following:

MICHIGAN STATE LIBRARY, }
Lansing, July 13th, 1867. }

HON. C. M. CROSWELL, *President of the Constitutional Convention:*

SIR—In response to a resolution adopted by the Constitutional Convention on yesterday, asking information in regard to the length of the various sessions of the Michigan Legislature, from and including the year 1835, to and including the year 1867, I have the honor to submit the following statement.

Very respectfully,

J. EUGENE TENNEY,

State Librarian.

The communication was laid on the table, ordered printed in the journal, and is as follows:

SESSIONS OF THE MICHIGAN LEGISLATURE.

| Year. | Commencement. | Ending. | No. days. |
|-----------------------------|---------------|-----------|-----------|
| 1835, Regular session,..... | Nov. 2, | Nov. 14, | 12 |
| 1836, Adjourned " | Feb. 1, | March 28, | 57 |
| 1836, Extra " | July 11, | July 26, | 15 |
| 1837, Adjourned " | Nov. 9, | Dec. 30, | 52 |
| 1838, Annual " | Jan. 1, | April 6, | 96 |
| 1839, Annual " | Jan. 7, | April 20, | 103 |
| 1840, Annual " | Jan. 6, | April 1, | 86 |
| 1841, Annual " | Jan. 4, | April 13, | 99 |
| 1842, Annual " | Jan. 3, | Feb. 17, | 45 |
| 1843, Annual " | Jan. 2, | March 9, | 66 |
| 1844, Annual " | Jan. 1, | March 12, | 72 |
| 1845, Annual " | Jan. 6, | March 19, | 70 |
| 1846, Annual " | Jan. 5, | May 16, | 100 |
| 1847, Annual " | Jan. 4, | March 17, | 72 |
| 1848, Annual " | Jan. 3, | April 3, | 91 |
| 1849, Annual " | Jan. 1, | April 2, | 92 |
| 1850, Annual " | Jan. 7, | April 2, | 85 |
| 1851, Regular " | Feb. 1, | April 5, | 65 |

| Year. | | Commencement. | Ending. | No. days. |
|------------------------------|---------|---------------|-----------|-----------|
| 1853, Biennial session,..... | | Jan. 5, | Feb 14 | 40 |
| 1855, Biennial | " | Jan. 3, | Feb 12, | 40 |
| 1857, Biennial | " | Jan. 7, | Feb. 16, | 40 |
| 1858, Extra | " | Jan. 20, | Feb. 4, | 15 |
| 1859, Biennial | " | Jan. 5, | Feb. 15, | 40 |
| 1861, Regular | " | Jan. 2, | March 16, | 73 |
| 1861, Extra | " | May 7, | May 11, | 4 |
| 1862, Extra | " | Jan. 2, | Jan. 20, | 18 |
| 1863, Regular | " | Jan. 7, | March 23, | 75 |
| 1864, Extra | " | Jan. 19, | Feb. 6, | 18 |
| 1865, Regular | " | Jan. 4, | March 22, | 77 |
| 1867, Regular | " | Jan. 2, | March 28, | 85 |

MOTIONS AND RESOLUTIONS.

Mr. Farmer offered the following resolution, which was adopted:

Resolved, That all articles which have been ordered to a third reading be printed in bill form, and placed on file for the members' use.

Mr. Van Valkenburgh offered the following resolution, which was adopted:

Resolved, That the use of this Hall be granted to Professor Perrine, of Albion, on Monday evening next, for the purpose of a lecture on intoxicating drinks.

On motion of Mr. Mussey,

The Convention went into committee of [the whole on the general order,

Mr. Pringle in the chair.

IN COMMITTEE OF THE WHOLE.

The committee resumed the consideration of the article entitled "Legislative Department."

Section 18 being under consideration,

Mr. Burtch moved to amend it by striking out the words "two-thirds," in the fourth line, and inserting after the word

"of," the words "a majority;" and by striking out the words "two-thirds," in the sixth line, and inserting in lieu the words "a majority;"

Which motion was lost.

Mr. Daniells moved to amend the section by striking out of the fifth line the word "elected," and insert in lieu the word "present;" also, by striking out the word "elected," in the sixth line, and insert in lieu the word "present;"

Which motion was lost.

Mr. Ferris moved to reconsider the vote by which the committee voted down the amendment offered by Mr. Burtch;

Which motion did not prevail.

Section 19 being under consideration,

Mr. Croswell offered the following amendment thereto:

Strike out the last clause of the section and insert in lieu the following: "On the final passage of each bill the vote shall be taken separately by yeas and nays, and entered on the journal."

The amendment was adopted.

Section 23 being under consideration,

Mr. Longyear moved to amend section 23, in line three, by striking out the word "departments," after the word "executive," and insert in lieu thereof the words "or State officers;"

Which motion prevailed.

Mr. Mussey moved to amend section 23, line 10, by striking out the word "such," after the word "any," and insert the words "with the State," at the end of the line;

Which motion was lost.

Mr. Turner moved to amend the section by striking out all down to and including the word "contracts," in the ninth line.

Mr. Ferris moved to amend the section by striking out in the fifth and sixth lines the words, "shall prescribe the manner in which the State printing shall be executed, and the accounts rendered therefor; and;"

Which motion was lost.

The amendment of Mr. Turner was then adopted.

Mr. Turner moved to reconsider the vote by which the amendment of Mr. Mussey was lost;

Which motion prevailed.

The question recurring on the adoption of the amendment,

Mr. Withey moved to amend by striking out the word "such," in the last line, and adding to the amendment the words "for fuel, stationery or printing."

Mr. Conger moved that the remaining portion of the section be stricken out.

The amendment to the amendment was not agreed to.

The question recurring on the amendment of Mr. Mussey,
It was adopted.

Mr. Blackman moved to amend the section by striking out the words "officer of the State," in the ninth line, and insert in lieu the words "State officers;"

Which was adopted.

Mr. Giddings moved to amend the section by striking out the words "member of the Legislature or," in the ninth line;

Which was adopted.

The question recurring on striking out all that remained of the section,

The motion prevailed.

Section 24 being under consideration,

Mr. T. G. Smith moved to amend it by striking out of line 1, the following words: "Shall not establish a State paper, but;"

Which motion did not prevail.

Section 26 being under consideration,

Mr. Sutherland moved to amend it by adding thereto the following:

"The Legislature shall provide by general law for organizing townships, cities and villages, on such conditions and subject to such regulations, as may be prescribed. No special acts to create any such organization or defining their powers, except cities containing over ten thousand inhabitants, shall hereafter be passed by the Legislature."

Mr. McClelland moved that the committee rise, report progress, and ask leave to sit again;

Which was withdrawn.

Mr. Longyear moved that when section 27 is reached by the committee, if reached to-day, its consideration be postponed for the day;

Which motion prevailed.

Mr. McClelland renewed his motion that the committee rise, report progress, and ask leave to sit again.

The motion prevailed.

IN CONVENTION.

The committee, through the chairman, made the following report:

The committee of the whole have had under consideration Article —, entitled "Legislative Department;"

Have made some progress therein, but not having gone through therewith, have directed me to report that fact to the Convention, and ask leave to sit again.

EUGENE PRINGLE, *Chairman*.

Report accepted, and leave granted the committee to sit again.

On motion of Mr. Holmes,

The Convention took a recess until 3 o'clock.

AFTERNOON SESSION.

3 o'clock P. M.

The Convention was called to order by the President.

Roll called: a quorum present.

Mr. Pringle asked and obtained leave of absence for Mr. Musgrave, until next Monday afternoon.

On motion of Mr. T. G. Smith,

The Convention went into committee of the whole on the general order,

Mr. Pringle in the chair.

IN COMMITTEE OF THE WHOLE.

The committee resumed the consideration of the article entitled "Legislative Department."

The pending question being on the amendment of Mr. Sutherland to section 26,

Mr. Croswell moved to amend the amendment as follows:

Strike out the word "cities," where it first occurs; also, strike out the words "except cities containing over ten thousand inhabitants;" and add to the amendment the following: "No city shall be incorporated with less than seven thousand inhabitants, nor unless the people thereof, by a direct vote upon the question, shall have decided in favor of such incorporation."

Mr. Withey called for a division of the question.

The question being on striking out,

It was not agreed to.

The question being on the adoption of the remaining portion of the amendment,

It was not adopted.

The question recurring on the amendment of Mr. Sutherland,

Mr. Giddings called for a division of the question;

The first clause, to wit, the following words: "The Legislature shall provide by general law for organizing townships, cities and villages on such conditions and subject to such regulations as may be prescribed,"

Was then adopted.

The question being on adopting the latter clause of the amendment,

It was not adopted.

Section 27 was passed over informally.

Section 28 being under consideration,

Mr. Van Riper moved to amend it by striking out all after the words "shall not," in the first line, to and including the word "nor," where it first occurs in the second line.

After some debate the amendment was withdrawn.

Mr. Croswell moved to amend the section by inserting after

the word "street," in the third line, the words "or public grounds;"

Which motion prevailed.

Mr. Holt moved to amend the section by striking out the words "nor vacate nor alter," in the second line, and insert the words "or authorize the vacation or alteration of."

After some debate, the amendment was withdrawn.

Mr. Van Valkenburgh moved to amend the section by striking out the words "private or," in the first line;

Which motion was lost.

Section 29 being under consideration,

Mr. Conger moved to add thereto the following: "Except upon the special recommendation of the Governor, and by an affirmative vote of two-thirds of all the members elect of each House;"

Pending which,

Mr. Henderson moved that the committee rise, report progress and ask leave to sit again.

The motion prevailed.

IN CONVENTION.

The committee, through the chairman, made the following report:

The committee of the whole have had under consideration Article —, entitled "Legislative Department;"

Have made some progress therein, but not having gone through therewith, have directed me to report that fact to the Convention, and ask leave to sit again.

E. PRINGLE, *Chairman.*

Report accepted and leave granted the committee to sit again.

On motion of Mr. Case,

The Convention adjourned till 10½ o'clock on Monday morning.

FORTY-FIRST DAY.

Lansing, Monday, July 15, 1867.

The Convention was called to order by the President, at 9 o'clock A. M.

Prayer by Rev. Mr. Straub.

Roll called: a quorum present.

Mr. Estee asked and obtained leave of absence for Mr. Utley until Saturday.

PRESENTATION OF PETITIONS.

By Mr. McConnell: petition of Mrs. L. Supry, Mrs. E. Webster, Mrs. M. J. Bailey, Miss Sarah Tooker and 95 others, women of the city of Lansing, asking that section 47, article 4, of the present Constitution of the State, be retained in the new one.

Referred to the committee on intoxicating liquors.

By Mr. Tyler: memorial of the friends of progress from Sturgis, St. Joseph county, to the Constitutional Convention, relative to impartial suffrage.

The memorial was referred to the committee on elections, ordered printed in the journal, and is as follows:

To the Honorable the Convention called to revise the Constitution of the State of Michigan:

GENTLEMEN—We, the “Friends of Progress,” assembled at Sturgis on this 22d day of June, 1867, citizens of the State, by which you are delegated to revise the fundamental law of our commonwealth, beg leave earnestly to press upon you several considerations, which we think should induce you to make such a change in the Constitution of the State, that hereafter all persons residing within our borders, of adult age and sane minds, without exception on account of their sex or complexion, shall have the elective franchise.

The first consideration is that which the fathers of our republic declared to be self-evident, and fundamentally important; namely, that “human governments derive their just powers from the consent of the governed;” not from any one class or

order of persons in the State or nation; not from those of any particular size, height or weight; nor from those of any particular complexion, florid or brunette, black or white. Certainly a government cannot derive just powers from one-half, nay, less than one-half of the whole people, and that, confessedly not the better portion, though they are of the male sex. Under monarchical governments the right to rule does not depend upon the sex of the heir to the throne. Ought not as much respect be shown to the natural, God given rights of men as to those that are only hereditary?

Gentlemen, we submit that unless brute force be the ultimate basis of civil government, the males of our State had no more right than the females to retain exclusively the powers of legislators and executive officers. It would have been as just and safe for the women only of our republic and our State to have organized and officered our governments at first, and to have kept alone the control of them until now, as it was for the men so to do. Probably the women would not have made more, they could not have made worse, mistakes than the men have done in the management of our public affairs. Never, we are persuaded, will bodies politic, or bodies ecclesiastic, be properly cared for, disciplined and thoroughly well educated and governed, until the feminine powers of human nature are put in requisition for those purposes equally with the masculine.

Second. The second consideration that we would press upon your Honorable body, is one that probably more than any other drove our ancestors into the revolutionary war. If "taxation without representation" was tyranny in their day, can it be anything less than tyranny now? And is not tyranny as oppressive, as cruel, as exasperating, in its operation upon women as upon men? or, if submitted to, is it not as demoralizing, dehumanizing in the one case as in the other? There are tens of thousands of women in our State whose properties are taxed or appropriated to the public uses by a Legislature in which they have no voice, no representation. Gentlemen, can you convince

yourselves that this is right? If not right, ought it to be persisted in hereafter?

Third. The third consideration which we think should induce you to place women as well as colored men under our Constitution, upon the same platform with male citizens, is the sacredness of the right of trial by jury. Hitherto, never has a woman or a colored man accused of crime had a trial by jury—*i. e.*, a trial by their peers, their equals. Gentlemen, we beseech you to see to it that this sacred right shall be denied no longer.

Fourth. The fourth and last consideration, allow us to press upon you more particularly, and more emphatically, than either or all of the foregoing. It is this: In our country, under our State and National governments, the elective franchise—the power of the ballot is the chief protector of the civil and social rights of all classes and individuals. With this weapon in their hands, certainly no classes—scarcely any individuals—would be wholly without redress, if injured or aggrieved in their persons, their properties, their means of living by their labor, or in their opportunities for education. See what the bestowment of the elective franchise has already done, and will obviously do, for the colored population of our Southern States. See how the Freedmen—those who, three or four years ago, were held as property, chattels, personal, domesticated brutes—are coming to be regarded, instructed, courted by the politicians, the statesmen, the aspirants to office, of both parties in those States. A person without the ballot is politically insignificant; but when enfranchised, he becomes a power. However lowly, he may affect the result of an election as much as the most exalted individual in the community.

The rights of no class or classes are so safe in any other hands, as in their own. All men and women should, if possible, be enabled to protect themselves. So far as it can be done by governments, an equal ability should be conferred on all—the lowliest not less than the loftiest.

Hitherto, under the Constitution of the State, and by the usages of what has assumed to be “good society,” the course

pursued towards colored men has been too mean to be spoken of or thought of, but with shame and contempt. We have, by social proscription, shut them out of the chief avenues to wealth, and at the same time by law, have required that they shall possess a certain amount of property, as a qualification for that prerogative, which is accorded to all white men without such a condition. Gentlemen of the Convention, we entreat you to wipe out this disgrace from the Constitution of the State in which we live.

And, gentlemen, if you will also give to woman of adult age and sane mind, the elective franchise on the same terms that it is given to men, you will assuredly lay the axe at the root of some of the most terrible evils, that afflict most sorely, and threaten to ruin our body politic. Admit women to the ballot—give them the same political significance that men have, and they will, in due time, redress their own wrongs, and secure their own rights. You will not much longer see women doing the same kind and amount of labor that men do—doing them equally well, but receiving only half the compensation. You will not much longer see them denied equally easy access to all the opportunities and helps to education of the highest grades that are provided for men. You will not much longer see women shut out from any of the employments, professions, honorable pursuits of wealth, or of social or political position to which they may aspire, and for which they may have qualified themselves. Enfranchise women, and you will in due time, see them using and succeeding in the use of the same means of self support that men use, and becoming equally independent. Then marriage will no longer be a necessity with them; and will be more likely to be contracted only between those who are drawn to each other by a kindred spirit, by pure love, and by a sacred, intelligent regard for momentous purposes, for which the Creator instituted the conjugal relation. Enfranchise women, and gentlemen, in due time, you will no more see, nor hear of, the awfully degraded conditions, to which so many females have sunk, and to which they have reduced the males who have been

their partners, in the desecration of the most sacred functions of their bodies. Give to women political significance, the right to vote, and in a few years it will not be, as it now is, the fact, the appalling fact, that there are thousands of women who have access to so few employments, and are so poorly paid for the work that they do, that it is impossible, yes, literally impossible, for them to live, without submitting to prostitution. The men who take advantage of their necessities are greater sinners, and become more demoralized than they. It is thus that the females are, unintentionally perhaps, but not less surely, visiting upon us the horrible consequences of the degradation, to which our partial legislation, our unjust laws, have consigned them.

Gentlemen of the Convention, do not waive these considerations, as too many are wont to do, with the hasty remark, that most women do not show any desire to be enfranchised; that they would not vote if they were permitted to. This is too much like the attempt, that was so often made, to discourage all endeavors to procure the abolition of slavery. It was said, the slaves do not wish to be free; they are contented, yes, happy in bondage. But that only revealed to us how much more arduous was the work we had to do for their deliverance from the degradation, as well as from the shackles and privations of slavery.

No, gentlemen, women, not less than men, are subject to the government of our country. Therefore, it is their duty, as well as their right, to understand the laws and executive powers to which they are amenable. They should know and make others, whether they approve or disapprove; whether they consent to, or dissent from the government. And if they are the "better half of mankind," it surely will be for our interest, as well as theirs, to insist that they shall bear their share of the responsibilities that belong to them, not less than to us. Their quicker sensibility, their nicer moral intuitions, might admonish us of political dangers in time to avert them; guard us against injustice and immorality, before they shall have become tolerable by custom, or established by law.

What great evil, what dire calamity, what awful punishment may come upon our State and Republic if we persist in the tremendous unrighteousness of disfranchising more than half of the people, God only can foresee. We have been solemnly admonished by the dreadful sufferings and immeasurable losses of our late civil war. If injustice to four millions of the inhabitants of the land brought upon us such a visitation as we have had, what may we not incur, if we dare to go on doing signal injustice, to more than fifteen millions?

Resolved, That the Secretary transmit a copy of this memorial to our delegates in the Constitutional Convention, with the request that the same be presented to the Convention and spread upon the journal.

We hereby certify that the above memorial and resolution was unanimously adopted by the Convention.

WM. H. DICKISON, *Pres. of Con.*

J. B. JACOBS, *Sec'y.*

By Mr. Root: petition of James Underhill, W. W. Green, M. Herrington and 60 others, of Hillsdale, asking this Convention to provide a clause in the new Constitution prohibiting the manufacture of spirituous liquors, and the importation of the same into the State;

By the same: petition of H. H. Hecox, J. W. Wade and 29 others, of Hillsdale county, on the same subject.

Referred to the committee on intoxicating liquors.

REPORTS OF STANDING COMMITTEES.

By the committee on cities and villages:

The committee on cities and villages, to whom was referred sections 13 and 14, of article 15, entitled Corporations,

Respectfully report that they have had the same under consideration, and have directed me to report the accompanying article, entitled "Cities and Villages,"

Recommending that the same do pass, and ask to be discharged from the further consideration of the subject.

M. H. MILES, *Chairman.*

Report accepted and committee discharged.

The article was read a first and second time by its title, ordered printed, placed on the general order, and referred to the committee of the whole.

MOTIONS AND RESOLUTIONS.

Mr. Stockwell offered the following resolution, which was not adopted:

Resolved, That hereafter, until otherwise ordered, the daily sessions of this Convention shall commence at eight o'clock A. M.

Mr. Rafter offered the following resolution:

Resolved, That a section be incorporated in the Constitution defining who shall be eligible to office.

On motion of Mr. Luce,

The resolution was referred to the committee on miscellaneous provisions.

Mr. Case offered the following resolution:

Resolved, That Rule 57 of the House of Representatives be adopted as one of the rules of this Convention.

Mr. Turner moved to amend the resolution by adding thereto the words, "except when some delegate is making a speech."

Mr. Holt moved to amend the amendment by adding the words "of more than fifteen minutes."

On motion of Mr. Leach,

The resolution and amendments were laid on the table.

On motion of Mr. Rafter,

The Convention went into committee of the whole on the general order,

Mr. Pringle in the chair.

IN COMMITTEE OF THE WHOLE.

The committee resumed the consideration of the article entitled "Legislative Department."

The pending question being on the motion of Mr. Conger, to

add to section 29 the following words: "Except upon the special recommendation of the Governor, and by an affirmative vote of two-thirds of all the members elect of each House,"

Mr. Longyear moved to amend the amendment, by adding thereto the following: "But the provision of this exception shall not apply to any case arising before the first day of January, 1861."

Mr. Withey offered the following substitute for the pending amendments: "Without an affirmative vote of two-thirds of the members elect to both branches of the Legislature, and the Governor's approval."

Mr. Stoughton, by unanimous consent, offered the following substitute: "Except upon a vote of three-fourths of the members elect to each House, and the approval of the Governor. This exception shall not apply to any case arising prior to the 1st day of January, 1861."

The substitute of Mr. Withey was withdrawn, and

The substitute of Mr. Stoughton was accepted in lieu of the pending amendments.

The question being on the amendment of Mr. Stoughton,

Mr. Wright offered the following substitute:

Amend section 29, by adding the following: "But any contract may be cancelled or annulled by the Legislature when the interests of the State or justice to the contractor shall require it;"

Which was not adopted.

Mr. Miller moved to amend the pending amendment, by striking out "1861," and insert in lieu thereof "1867;"

Which motion did not prevail.

Mr. Burtch offered the following substitute for the pending amendment:

"By a joint resolution of both Houses of the Legislature, and by submitting the same to the people, relief to contractors may be had, by the people giving a majority vote in favor of such joint resolution;"

Which was not adopted.

The question recurring on the pending amendment,

It was not adopted.

Mr. W. E. Warner moved that the committee rise, report progress, and ask leave to sit again.

The motion prevailed.

IN CONVENTION.

The committee, through the chairman, submitted the following report:

The committee of the whole have had under consideration Article —, entitled "Legislative Department;"

Have made some progress therein, but not having gone through therewith, have directed me to report that fact to the Convention, and ask leave to sit again.

EUGENE PRINGLE, *Chairman.*

Report accepted, and leave granted the committee to sit again.

On motion of Mr. Holt,

The Convention took a recess until 3 o'clock.

AFTERNOON SESSION.

3 o'clock P. M.

The Convention was called to order by the President.

Roll called: a quorum present.

On motion of Mr. P. D. Warner,

The Convention went into committee of the whole on the general order,

Mr. Pringle in the chair.

IN COMMITTEE OF THE WHOLE.

The committee resumed the consideration of the article entitled "Legislative Department."

Section 30 being under consideration,

Mr. Bradley moved to amend it by inserting in the second

line, after the word "seminary," the words, "or schools under denominational control;"

Which motion prevailed.

Mr. VanValkenburgh moved to add at the end of the section the following words: "But each House of the Legislature shall have power to employ chaplains to open their daily sessions with devotional exercises, who shall be entitled to the same per diem allowance as members of the Legislature."

Mr. P. D. Warner moved to amend the amendment by striking out all after the word "exercises;"

Which was accepted.

Mr. Miles moved to amend the amendment by striking out the word "their," and inserting in lieu the word "its;"

Which was agreed to.

The amendment as amended was then adopted.

Section 31 being under consideration,

Mr. Van Riper moved to strike out all after the word "not," in the first line, down to and including the word "nor," in the third line;

Which motion prevailed.

Mr. Holt moved to amend the section, by adding thereto the following words: "Nor pass special acts changing the names of persons;"

Which motion was lost.

On motion of Mr. Van Riper,

The committee took up section 27.

Mr. Willard moved to amend the section, by striking out the word "county," in the first and fourth lines, and add at the end of the section the following: "No county shall be authorized to pledge its credit for any such purpose."

Mr. Van Riper offered the following substitute for the section:

"The Legislature shall not authorize any city or township to pledge its credit or levy a tax, for the purpose of aiding in the construction of any railroad, to an extent whereby the outstanding indebtedness, exclusive of interest, on account of aid on any one railroad, shall exceed five per cent. of the assessed

valuation of such city or township, and not to exceed ten per cent. for any two or more railroads. The question of such aid must be submitted to a vote of the people, and no person shall be entitled to vote at any submission of such question, unless he shall be the owner of property liable to taxation. No county shall be authorized to vote such tax or aid."

Mr. Stoughton moved to amend the substitut  as follows:

"The Legislature shall not authorize any city or township to raise money by taxation, or to pledge their credit for the purpose of aiding in the construction of any railroad, to an extent whereby the tax raised or to be raised, or the indebtedness incurred, exclusive of interest, on account of aid to any and all railroads, shall exceed, in any five years, or at any one time, ten per cent. of the assessed valuation of the taxable property of such city or township; nor shall the Legislature authorize any county to raise money, or to pledge its credit to aid in the construction of any railroad."

The question being on the amendment of Mr. Willard,

It was adopted.

Mr. M. C. Watkins moved to amend section 27 by striking out the word "ten," in the third line, and insert in lieu thereof the word "five."

Mr. Ferris offered the following substitute:

"The Legislature shall not authorize any county, township, city or village, by vote of its citizens or otherwise, to become a stockholder in any joint stock company, corporation or association whatever, or to raise money for, or to loan its credit to, or in aid of any such company, corporation or association."

The substitute was declared out of order, but was received by unanimous consent.

Mr. Huston, moved to strike out the word "five," in the amendment of Mr. M. C. Watkins, and insert in lieu thereof "twenty."

Mr. Estee, by unanimous consent, moved to insert in the second line, after the word "railroad," the following: "plank roads, gravel roads or turnpikes."

Mr. Ingalls, by unanimous consent, moved to strike out the word "ten," in the 3d line, and insert the word "fifteen" in lieu thereof, and add at the end of the section the words, "and no such aid shall be granted except on a vote of a majority of the property holders thereof."

Mr. Miller, by unanimous consent, moved to strike out of the section all after the word "railroads," in the second line.

Mr. Blackman, by unanimous consent, moved to insert in line 2, section 27, after the word "railroad," also in line 3, after the word "railroads," the words, "or other internal improvements."

The consideration of section 20, by unanimous consent, being resumed,

Mr. Stoughton moved to amend it by inserting the word "general," before the word "object," in the first line;

Which motion prevailed.

Mr. Conger moved that the committee rise, report progress, and ask leave to sit again.

The motion prevailed.

IN CONVENTION.

The committee, through the chairman, made the following report:

The committee of the whole have had under consideration article —, entitled "Legislative Department;"

Have made some progress therein, but not having gone through therewith, have directed me to report that fact to the convention, and ask leave to sit again.

E. PRINGLE, *Chairman*.

Report accepted and leave granted the committee to sit again.

On motion of Mr. Lawrence,

The Convention adjourned.

FORTY-SECOND DAY.

Lansing, Tuesday, July 16, 1867.

The Convention was called to order by the President at 9 o'clock A. M.

Prayer by Rev. Mr. Straub.

Roll called: a quorum present.

Mr. Turner asked and obtained leave of absence for himself, until Friday morning next.

PRESENTATION OF PETITIONS.

By Mr. Ninde: protest of Wm. Cross and 53 others, citizens of Ypsilanti, against license for the sale of intoxicating liquors;

By the same: protest of D. B. Dodge and 94 others, against license for the sale of intoxicating liquors;

Referred to the committee on intoxicating liquors.

By Mr. Howard: petition of D. A. Huyck, E. B. Sparks, Frederick Lonsby and 22 others, legal voters of Vienna, Genesee county, for the retention of the principle of section 47, article 4, of the present Constitution.

Referred to the committee on intoxicating liquors.

By Mr. McConnell: petition of William Ware, Nathan C. Tenney, J. B. Ellsworth, and 15 other citizens of Athens, Calhoun county, praying that section 47, article 4, of the present Constitution, be retained in the new one.

Referred to the committee on intoxicating liquors.

MOTIONS AND RESOLUTIONS.

Mr. Farmer offered the following resolution:

Resolved, That a certain memorial printed in the journal of July 15th, be omitted in printing the debates and proceedings.

Mr. Daniells moved to lay the resolution on the table;

Which motion did not prevail.

The question recurring on the adoption of the resolution,

Mr. Lamb demanded the yeas and nays;

The demand was sustained, and the resolution was adopted, the following being the vote thereon:

YEAS.

| | | |
|--------------|-------------|-----------------|
| Mr. Aldrich, | Mr. Harris, | Mr. Stockwell, |
| Brown, | Holt, | Sutherland, |
| Burtch, | Ingalls, | Thompson, |
| Burtenshaw, | Leach, | Turner, |
| Case, | Longyear, | Van Riper, |
| Chapin, | Luce, | Van Valkenburg, |
| Chapman, | McConnell, | Walker, |
| Coolidge, | McKernan, | P. D. Warner, |
| Corbin, | Miles, | M. C. Watkins, |
| Crocker, | Miller, | White, |
| Divine, | Morton, | Withey, |
| Duncan, | Ninde, | Woodhouse, |
| Elliott, | Pratt, | Wright, |
| Farmer, | Rafter, | Yeomans, |
| Germain, | Richmond, | 44 |

NAYS.

| | | |
|----------------|-------------|----------------|
| Mr. Alexander, | Mr. Holmes, | Mr. Shearer, |
| Andrus, | Howard, | Sheldon, |
| Barber, | Kenney, | T. G. Smith, |
| Bills, | Lamb, | W. A. Smith, |
| Blackman, | Lawrence, | Stoughton, |
| Bradley, | Lovell, | Tyler, |
| Conger, | McClelland, | W. E. Warner, |
| Daniells, | Mussey, | F. C. Watkins, |
| Estee, | Musgrave, | Willard, |
| Giddings, | Parsons, | Winsor, |
| Henderson, | Pringle, | Williams, |
| Hixson, | Sawyer, | President, 36 |

Mr. Turner offered the following resolution:

Resolved, That the resolution heretofore adopted granting to the messenger boys the use of the grounds in front of the Capitol, for the purpose of playing ball, &c., shall not be so construed as to interfere with the rights of the members and officers of the Convention to practice the like sports.

Mr. P. D. Warner moved to amend the resolution by adding to it the words, "during the recess of the Convention."

Mr. Conger moved to lay the resolution on the table.

The resolution, by consent, was withdrawn.

Mr. Sutherland offered the following resolution:

Resolved, That the questions of electing or appointing the judges of courts of general jurisdiction, of prohibiting or granting licenses for the sale of intoxicating liquors, of extending or withholding the right of suffrage in respect to women and negroes, and of annual or biennial sessions of the Legislature, shall be separately submitted to the people; that to this end sections *pro* and *con*, upon those subjects, shall be settled by this Convention, and submitted as alternatives, separately from the body of the Constitution.

On motion of Mr. Conger,

The resolution was laid on the table.

Mr. Burtch offered the following:

Whereas, The people of this State have called this Convention together for the purpose of reconstructing the fundamental law of the State; now, therefore, be it

Resolved, That this Convention will be more likely to preserve its dignity, maintain order, promote the honor and dignity of its members, secure life, liberty and the pursuit of happiness to the citizens of this commonwealth, by a just recognition of the sacred rights of man, especially upon the floor of this House, which will be done by having a just regard for that sacred aim of doing unto others as you would they should do to you.

On motion of Mr. Giddings,

The resolution was laid on the table.

SPECIAL ORDER.

The Convention took up the special order, being the article entitled "State Officers."

The pending question being on striking out sections 1, 4 and 5, and inserting the following, to stand as section 1:

SECTION 1. There shall be elected in this State a Governor and Lieutenant Governor, and such other officers as the Legislature may determine, with such powers and duties as may be prescribed by law;

Mr. Blackman called for a division of the question.

The question being on striking out section 1,

Mr. Sutherland demanded the yeas and nays;

The demand being supported, the motion to strike out did not prevail, the following being the vote thereon:

YEAS.

Mr. Alexander,
Burteh,
Chapin,
Elliott,
Farmer,
Ferris,

Mr. Hixson,
Huston,
Lamb,
Lawrence,
McClelland,
McKernan,

Mr. Miller,
Richmond,
W. A. Smith,
Sutherland,
W. E. Warner,
17

NAYS.

Mr. Aldrich,
Andrus,
Barber,
Bills,
Blackman,
Bradley,
Brown,
Burtenshaw,
Case,
Chapman,
Coolidge,
Conger,
Crocker,
Daniells,
Divine,
Duncan,
Estee,
Germain,
Giddings,
Harris,
Henderson,

Mr. Holmes,
Holt,
Howard,
Ingalls,
Kenney,
Leach,
Longyear,
Lovell,
Luce,
McConnell,
Miles,
Mussey,
Musgrave,
Ninde,
Parsons,
Pratt,
Pringle,
Rafter,
Root,
Sawyer,
Shearer,

Mr. Sheldon,
T. G. Smith,
Stockwell,
Stoughton,
Thompson,
Tyler,
Van Riper,
Van Valkenburg,
Walker,
P. D. Warner,
M. C. Watkins,
F. C. Watkins,
White,
Willard,
Winsor,
Withey,
Williams,
Woodhouse,
Yeomans,
President,

62

The question being on striking out section 4,

It was not agreed to.

The question being on striking out section 5,

It was agreed to.

The article was then referred to the committee on arrangement and phraseology, for correction and engrossment.

On motion of Mr. Mussey,

The Convention went into committee of the whole, on the general order,

Mr. Pringle in the chair.

IN COMMITTEE OF THE WHOLE.

The committee resumed the consideration of the Article entitled "Legislative Department."

The question being on the amendment of Mr. Huston, to the amendment offered by Mr. M. C. Watkins, to section 27;

Pending the debate thereon,

Mr. Daniells moved that the committee rise, report progress, and ask leave to sit again.

The motion prevailed.

IN CONVENTION.

The committee, through the chairman, submitted the following report:

The committee of the whole have had under consideration Article —, entitled "Legislative Department;"

Have made some progress therein, but not having gone through therewith, have directed me to report that fact to the Convention, and ask leave to sit again.

EUGENE PRINGLE, *Chairman*.

Report accepted, and leave granted the committee to sit again.

On motion of Woodhouse,

The Convention took a recess until 3 o'clock.

AFTERNOON SESSION.

3 o'clock P. M.

The Convention was called to order by the President.

Roll called: a quorum present.

On motion of Mr. Luce,

The Convention went into committee of the whole on the general order,

Mr. Pringle in the chair.

IN COMMITTEE OF THE WHOLE.

The committee resumed the consideration of the article entitled "Legislative Department."

The question being on the amendment of Mr. Huston to the amendment of Mr. M. C. Watkins to section 27,

It was not agreed to.

The question recurring on the amendment of Mr. M. C. Watkins, to amend section 27 by striking out the word "ten," and inserting in lieu the word "five;"

Pending the debate thereon,

Mr. Willard moved that the committee rise, report progress, and ask leave to sit again.

The motion prevailed.

IN CONVENTION.

The committee, through the chairman, submitted the following report:

The committee of the whole have had under consideration Article —, entitled "Legislative Department;"

Have made some progress therein, but not having gone through therewith, have directed me to report that fact to the Convention, and ask leave to sit again.

EUGENE PRINGLE, *Chairman.*

Report accepted and leave granted the committee to sit again.

On motion of Mr. Estee,

The Convention adjourned.

Lansing, Wednesday, July 17, 1867.

The Convention was called to order by the President at 9 o'clock A. M.

Prayer by Rev. Mr. Vandriss.

Roll called: a quorum present.

Mr. Elliott asked and obtained leave of absence for himself, for the remainder of the week.

PRESENTATION OF PETITIONS.

By Mr. W. E. Warner: petition of Dwight A. Freeman and 63 others, of Wayne county, for the omission of section 47, article 4, of the old Constitution, in the new, and in lieu thereof inserting a section authorizing a law granting of license;

By the same: petition of A. Watson and 35 others, on the same subject;

By the same: petition of J. E. Smith and 65 others, on the same subject;

By the same: petition of J. A. Smith and 49 others, on the same subject;

By the same: petition of Norman Perry and 67 others, on the same subject.

Referred to the committee on intoxicating liquors.

MOTIONS AND RESOLUTIONS.

Mr. Yeomans offered the following resolution:

Resolved, That the daily afternoon sessions of this Convention shall hereafter commence at half-past 2 o'clock P. M., until otherwise ordered.

Mr. Leach moved to amend the resolution by striking out the words "half-past;"

Which was accepted.

The resolution was not adopted.

Mr. Thompson offered the following resolution:

Resolved, That hereafter, the afternoon sessions of the Convention commence at 2½ o'clock.

Mr. Bradley moved to lay the resolution on the table.

Mr. Ingalls demanded the yeas and nays;

The demand was supported, and the motion did not prevail,
the following being the vote thereon:

YEAS.

Mr. Aldrich,
Alexander,
Andrus,
Barber,
Bills,
Bradley,
Brown,
Case,
Chapin,
Conger,
Corbin,
Daniells,
Divine,
Elliott,
Estee,

Mr. Ferris,
Germain,
Giddings,
Hixson,
Holmes,
Holt,
Howard,
Lawrence,
Lothrop,
Lovell,
Miles,
Miller,
Morton,
Musgrave,

Mr. Ninde,
Norris,
Richmond,
Root,
Sheldon,
W. A. Smith,
Sutherland,
Van Valkenburg,
W. E. Warner,
Willard,
Winsor,
Withey,
Woodhouse,
Wright,

43

NAYS.

Mr. Birney,
Blackman,
Burtch,
Burtenshaw,
Chapman,
Coolidge,
Crocker,
Duncan,
Duncombe,
Farmer,
Harris,
Hazen,
Henderson,
Huston,
Ingalls,

Mr. Kenney,
Lamb,
Leach,
Longyear,
Luce,
McClelland,
McConnell,
McKernan,
Mussey,
Parsons,
Pratt,
Pringle,
Rafter,
Sawyer,
Shearer,

Mr. T. G. Smith,
Stockwell,
Stoughton,
Thompson,
Tyler,
Van Riper,
Walker,
P. D. Warner,
M. C. Watkins,
F. C. Watkins,
White,
Williams,
Yeomans,
President,

44

The question recurring on the adoption of the resolution,

Mr. Henderson demanded the previous question.

The demand being sustained, and the main question ordered,

Mr. Stockwell demanded the yeas and nays;

The demand was supported, and the resolution was adopted,
the following being the vote thereon:

YEAS.

Mr. Birney,
Blackman,
Burtch,
Burtenshaw,
Chapman,
Coolidge,
Crocker,
Duncan,
Duncombe,
Farmer,
Harris,
Hazen,
Henderson,
Huston,
Ingalls,

Mr. Kenney,
Lamb,
Leach,
Longyear,
Luce,
McClelland,
McConnell,
McKernan,
Miller,
Morton,
Mussey,
Pratt,
Pringle,
Rafter,
Shearer,

Mr. T. G. Smith,
Stockwell,
Sutherland,
Thompson,
Tyler,
Van Riper,
Walker,
P. D. Warner,
M. C. Watkins,
F. C. Watkins,
White,
Woodhouse,
Yeomans,
President,

44

NAYS.

Mr. Aldrich
Alexander,
Andrus,
Barber,
Bills,
Bradley,
Brown,
Case,
Chapin,
Conger,
Corbin,
Daniells,
Divine,
Elliott,
Estee,

Mr. Ferris,
Germain,
Giddings,
Hixson,
Holmes,
Holt,
Howard,
Lawrence,
Lothrop,
Lovell,
Miles,
Musgrave,
Ninde,
Norris,

Mr. Parsons,
Richmond,
Root,
Sawyer,
Sheldon,
W. A. Smith,
Stoughton,
Van Valkenburg,
W. E. Warner,
Willard,
Winsor,
Withey,
Williams,
Wright,

43

On motion of Mr. Andrus,

The Convention went into committee of the whole on the general order,

Mr. Pringle in the chair.

IN COMMITTEE OF THE WHOLE.

The committee resumed the consideration [of the article entitled "Legislative Department."

The question being on the amendment of Mr. M. C. Watkins,

to strike out the word "ten," in line 3 of section 27, and insert in lieu the word "five,"

It was not adopted.

The question being on the amendment offered by Mr. Estee to the section, to insert after the word "railroad," in the second line, the words, "plank roads, gravel roads and turnpikes,"

It was withdrawn.

The question being on the amendment offered by Mr. Blackman to the section, by inserting after the word "railroad," in line 2, and the word "railroads," in line 3, the words "or other internal improvements,"

It was not adopted.

The question being on the amendment offered by Mr. Ingalls to the section, to strike out the word "ten," in the third line, and insert in lieu the word "fifteen;" and to add at the end of the section the words, "and no such aid shall be granted except on a vote of a majority of the property holders thereof,"

It was withdrawn.

The question being on the amendment to the section offered by Mr. Miller to strike out all after the word "railroad," in the second line,

Pending the debate, Mr. Burtch having the floor, and being repeatedly called to order for not speaking to the question,

Mr. Ferris moved that Mr. Burtch be allowed to proceed.

Mr. Miller moved to amend the motion by adding the words "without interruption;"

Which motion prevailed.

The question recurring on the motion of Mr. Ferris, it was lost.

Mr. M. C. Watkins moved to amend section 27, by inserting between the words "to" and "pledge," in the first line, the words "raise by tax or;"

Which motion was lost.

Mr. Ingalls moved to amend section 27 by adding thereto the following:

"*Provided*, That the counties, townships and cities in the

Upper Peninsula may pledge their credit to an amount not exceeding twenty per cent. of the assessed value of the property in such county, city or township."

Mr. McKernan moved to amend the amendment by striking out the word "twenty," and inserting "ten."

Mr. Lovell offered the following substitute for the amendment of Mr. Ingalls:

"*Provided*, That none of the restrictions of this section shall apply to the Upper Peninsula."

The question being on the amendment of Mr. McKernan to the amendment of Mr. Ingalls,

It was not agreed to.

Mr. Conger, by unanimous consent, moved to amend the section by inserting after the word "county," in the last line, the words "except the Upper Peninsula;"

The substitute was withdrawn.

The amendment of Mr. Ingalls was withdrawn.

The amendment of Mr. Conger was adopted.

The question recurring on the amendment of Mr. Miller,

It was not agreed to.

Mr. Van Riper moved to amend section 27 by adding thereto the following: "The question of such aid shall be submitted to a vote of the city or township to be affected thereby, and no person shall be entitled to a vote at any submission of such question, unless he shall be the owner of property liable to taxation."

Mr. Aldrich moved to amend the amendment offered by Mr. Van Riper, by striking out all after the word "thereby;"

Pending which,

Mr. Ingalls moved that the committee rise, report progress, and ask leave to sit again.

The motion prevailed.

IN CONVENTION.

The committee, through the chairman, submitted the following report:

The committee of the whole have had under consideration Article —, entitled "Legislative Department;"

Have made some progress therein, but not having gone through therewith, have directed me to report that fact to the Convention, and ask leave to sit again.

E. PRINGLE, *Chairman.*

Report accepted and leave granted the committee to sit again.

On motion of Mr. McKernan,

The Convention took a recess until 2½ o'clock P. M.

AFTERNOON SESSION.

2½ o'clock P. M.

The Convention was called to order by the President.

Roll called: a quorum present.

On motion of Mr. Barber,

The Convention went into committee of the whole on the general order,

Mr. Pringle in the chair.

IN COMMITTEE OF THE WHOLE.

The committee resumed the consideration of the article entitled "Legislative Department."

The question being on the amendment of Mr. Aldrich to the amendment of Van Riper,

Mr. Blackman moved to amend the amendment of Mr. Van Riper, by striking out the words "the owner of property liable to taxation," and the words "a freeholder;"

Which was not agreed to.

The question being on the amendment to the amendment,

It was not agreed to.

On motion of Mr. Huston,

The vote by which the amendment to the amendment was lost, was reconsidered.

The question recurring on the amendment of Mr. Aldrich to the amendment of Mr. Van Riper,

It was not agreed to.

The question then being on the amendment of Mr. Van Riper,

Mr. Alexander moved to amend the amendment by adding thereto the words, "owner of property liable to taxation within such township or city;"

Which motion prevailed.

Mr. Conger moved to further amend the amendment by adding after the word "be," the words, "or expects to be."

It was agreed to.

The question recurring on the amendment of Mr. Van Riper, as amended, Mr. Crosswell asked for a division of the question.

Mr. Williams offered the following substitute for the amendment:

"No city or township shall be authorized to grant such aid, without first obtaining the assent of a majority of the citizens of such township or city, whose names shall appear on the last preceding assessment roll thereof."

Mr. Farmer moved to amend the amendment of Mr. Van Riper by inserting after the word "thereby," the words "and an affirmative vote of a majority of the electors, as shown by the poll list of the last annual election, deciding in favor of the same;"

Which motion did not prevail.

The question being on the substitute of Mr. Williams for the amendment of Mr. Van Riper,

It was not adopted.

The question recurring on the first clause of the amendment of Mr. Van Riper,

It was agreed to.

The question being on the last clause of the amendment,

Mr. Birney moved to reconsider the vote by which the words "or expects to be," was inserted after the word "be."

The question being taken, and no quorum voting,

Mr. McClelland moved that the committee rise, and report that fact to the Convention.

Mr. Conger moved that the committee rise, report progress, and ask leave to sit again;

Which motion was lost.

The vote being again taken to reconsider the vote by which the amendment of Mr. Conger, to the amendment of Mr. Van Riper was adopted,

The motion prevailed.

The question recurring on the amendment to the amendment, It was not adopted.

The question being on the last clause of the amendment of Mr. Van Riper,

It was not adopted.

Mr. Stockwell moved to amend Section 27 by adding after the word "credit," in line one, the words, "or raised by tax;" also add, in line three, after "indebtedness," the words, "and all taxes raised for such purpose;"

Which motion was lost.

Mr. Miller moved to amend section 27, by striking out from the first line, the words "shall not authorize any county, city or township to pledge its credit," and insert the words "may authorize any city or township to raise by tax;" also, strike out all of the section after the word "railroad" in the second line, and insert the words, "in any sum not exceeding ten per cent. of the assessed valuation of such city or township for the year in which said tax is levied."

The second clause of the amendment was decided out of order.

Mr. Farmer moved that the committee rise, report progress, and ask leave to sit again.

The motion prevailed.

IN CONVENTION.

The committee, through the chairman, submitted the following report:

The committee of the whole have had under consideration Article —, entitled "Legislative Department;"

Have made some progress therein, but not having gone through therewith, have directed me to report that fact to the Convention, and ask leave to sit again.

EUGENE PRINGLE, *Chairman.*

Report accepted and leave granted the committee to sit again.

On motion of Mr. Willard,

Section 27 of the article entitled "Legislative Department," as amended, was ordered printed in the journal, and is as follows:

Sec. 27. The Legislature shall not authorize any city or township to pledge its credit for the purpose of aiding in the construction of any railroad to an extent whereby the outstanding indebtedness, exclusive of interest, on account of aid to any and all railroads, shall exceed ten per cent. of the assessed valuation of such city or township. No county shall be authorized to pledge its credit for any such purpose except in the Upper Peninsula. The question of such aid shall be submitted to a vote of the city or township to be affected thereby.

On motion of Mr. Ferris,

The Convention adjourned.

FORTY-FOURTH DAY.

Lansing, Thursday, July 18, 1867.

The Convention was called to order by the President, at 9 o'clock A. M.

Prayer by Rev. Mr. Vandriss.

Roll called: a quorum present.

Mr. Barber asked and obtained leave of absence for himself, for an indefinite time, on account of important business.

Mr. W. E. Warner asked and obtained leave of absence for himself, until Tuesday morning next.

Mr. Giddings asked and obtained leave of absence for himself, until Tuesday next.

PRESENTATION OF PETITIONS.

By Mr. Shearer: petition of A. M. Smith, George Gonlow

and 14 others, for retaining section 47, article 4, of the old Constitution, in the new.

Referred to the committee on intoxicating liquors.

By Mr. Howard: petition of Jefferson Bristo, Thos. H. Nesbitt, and 22 other legal voters of Flint township, Genesee county, for a clause in the Constitution prohibiting the traffic in ardent spirits;

By the same: petition of Hugh Nichols, Albert Torrey, Horace Boomer, and 19 other legal voters of the town of Flint, Genesee county, on the same subject.

Referred to the committee on intoxicating liquors.

By Mr. T. G. Smith: petition of Hon. Wm. R. Marsh, Hon. John G. Crawford, Major D. Horton, Wm. H. H. Smith, P. W. Mety and 8 others, citizens of Fenton, Genesee county, praying that a provision be inserted in the new Constitution prohibiting the public lands of the State from being disposed of hereafter, except under the provision of the homestead laws, and against exempting property from legal process for labor performed on it, &c.

Referred to the committee on public lands.

By Mr. Utley: petition of A. Truesdell, A. P. Carpenter, George Backard, T. G. Terry and 82 others, electors of the county of Newaygo, praying that conditions and restrictions may be placed in the organic law of the State, in relation to the disposal of public lands; and also, that no law shall be passed exempting property from legal process from labor performed upon it.

Referred to the committee on public lands.

By Mr. Longyear: petition of S. D. Fobes and 82 other men; Mrs. S. S. Coryell and 137 other women, citizens of Lansing and vicinity, asking for equal suffrage for men and women.

Referred to the committee on elections.

REPORTS OF STANDING COMMITTEES.

By the committee on education:

The committee on education, to whom was referred Article 13 of the Constitution,

Respectfully report that they have had the same under consideration, and have directed me to report Article —, entitled "Education," recommending that the same do pass, and ask to be discharged from the further consideration of the subject.

GEORGE WILLARD, *Chairman.*

Report accepted and committee discharged.

The article was read a first and second time by its title, ordered printed, placed on the general order, and referred to the committee of the whole.

• By the committee on the judicial department:

The committee on the judicial department, to whom was referred article 6, of the present Constitution, entitled "Judicial Department,"

Respectfully report that they have had the same under consideration, and have directed me to report the accompanying Article, entitled "Judicial Department," recommending that the same do pass, and ask to be discharged from the further consideration of the subject.

S. L. WITHEY, *Chairman.*

Report accepted and committee discharged.

The article was read a first and second time by its title, ordered printed, placed on the general order, and referred to the committee of the whole.

On motion of Mr. Withey,

Five hundred extra copies of the article were ordered printed for the use of the Convention.

MOTIONS AND RESOLUTIONS.

Mr. Coolidge, by unanimous consent, offered the following resolution, which was adopted:

Resolved, That the judiciary committee be requested to inquire whether any provision can be inserted in the Constitution or the Schedule to be annexed thereto, by which the shares of the stockholders in the National Banks of this State can be made subject to taxation, in accordance with the acts of Congress, in the absence of legislative action; and if such committee be of the opinion that such provision can be made, that they report

to this Convention such opinion, and the clause or clauses to be inserted for that object.

On motion of Mr. Andrus,

The Convention went into committee of the whole on the general order,

Mr. Pringle in the chair.

IN COMMITTEE OF THE WHOLE.

The committee resumed the consideration of the article entitled "Legislative Department."

The pending question being on the amendment offered by Mr. Miller to section 27,

It was withdrawn.

Mr. Ferris moved to amend section 27 by inserting in the second line, after the word "railroad," the words, "plank roads, gravel roads or turnpikes."

Mr. Daniells moved to amend the amendment by inserting after the word "railroad," the words, "slab roads, sawdust and corduroy roads;"

Pending which,

Mr. Daniells moved that the committee rise, report progress, and ask leave to sit again.

The motion prevailed.

IN CONVENTION.

The committee, through the chairman, submitted the following report:

The committee of the whole have had under consideration Article —, entitled "Legislative Department;"

Have made some progress therein, but not having gone through therewith, have directed me to report that fact to the Convention, and ask leave to sit again.

EUGENE PRINGLE, *Chairman.*

Report accepted and leave granted the committee to sit again.
On motion of Mr. Stockwell,
The Convention took a recess until 2½ o'clock P. M.

AFTERNOON SESSION.

2½ o'clock P. M.

The Convention was called to order by the President.

Roll called: a quorum present.

Mr. P. D. Warner, by unanimous consent, presented the following petitions:

Of Mrs. Dr. Rose, Mrs. H. O. Wilcox, Mrs. E. M. Cobb, Mrs. A. Valentine, Miss M. O. Sykes, Miss S. A. Briggs, Miss Adda Robinson, and 50 other ladies of the city of Detroit, asking the retention in the Constitution to be formed by this Convention, what is contained in section 47, article 4, relating to the traffic in intoxicating liquors;

Of Mrs. C. Hastings, Mrs. A. G. Lindsay, Mrs. G. W. Henry, Mrs. A. Allison, Miss C. A. Cooke, Miss S. Irving, Miss Ettie Stone, and 60 other ladies of the city of Detroit, on the same subject;

Of Mrs. Carrie Coray, Mrs. L. M. Curtis, Mrs. A. E. Humphrey, Mrs. H. Dixon, and 15 other ladies of the city of Detroit, on the same subject;

Of Dr. J. A. Brown, Bradford Smith, Wm. F. Maynard, J. B. Corey, and 14 other legal voters of Detroit, on the same subject.

Referred to the committee on intoxicating liquors.

On motion of Mr. P. D. Warner,

The Convention went into committee of the whole on the general order,

Mr. Pringle in the chair.

IN COMMITTEE OF THE WHOLE.

The committee resumed the consideration of the article entitled "Legislative Department."

The pending question being on the amendment of Mr. Daniels to the amendment of Mr. Ferris,

It was withdrawn.

The question recurring on the amendment of Mr. Ferris to insert in the second line of section 27, after the word "railroad," the words, "plank roads, gravel roads or turnpikes;"

It was not adopted.

The question then being on the amendment of Mr. Stoughton, to the substitute of Mr. Van Riper, for section 27, which substitute is as follows:

"The Legislature shall not authorize any city or township to pledge its credit or levy a tax, for the purpose of aiding in the construction of any railroad, to an extent whereby the outstanding indebtedness, exclusive of interest, on account of aid to any one railroad, shall exceed five per cent. of the assessed valuation of such city or township, and not to exceed ten per cent. for any two or more railroads. The question of such aid must be submitted to a vote of the people, and no person shall be entitled to vote at any submission of such question, unless he shall be the owner of property liable to taxation. No county shall be authorized to vote such tax or aid."

The substitute, by consent, was withdrawn.

The amendment of Mr. Stoughton, being entertained by unanimous consent, as a substitute for section 27, was modified so as to read as follows:

"The Legislature shall not authorize any city or township to raise money by taxation, or to pledge their credit for the purpose of aiding in the construction of any railroad, to an extent whereby the tax raised or to be raised, or the indebtedness incurred, exclusive of interest, on account of aid to any and all railroads, shall exceed, in any five years, or at any one time, ten per cent. of the assessed valuation of the taxable property of such city or township. No county shall be authorized to pledge its credit for any such purpose except in the Upper Peninsula. The question of such aid shall be submitted to a vote of the city or township to be affected thereby."

The substitute was not adopted.

The question being on the substitute offered by Mr. Ferris, for section 27, in the following words:

"The Legislature shall not authorize any county, township, city or village, by vote of its citizens or otherwise, to become a stockholder in any joint stock company, corporation or association whatever, or to raise money for, or to loan its credit to, or in aid of any such company, corporation or association;"

It was not adopted.

Mr. Lothrop moved to strike out section 27, and insert the following in place thereof:

Sec. 27. No county, city or township, shall ever issue its bonds, or otherwise pledge its credit, in aid of any company, incorporated for the building of a railroad or making of any other internal improvement; but the Legislature may authorize any city or township, by tax, to raise moneys in aid of any railroad company or companies: *Provided*, That the aggregate of all moneys that shall be raised in any one city or township by such taxation, in aid of any and all such companies, shall not exceed ten per centum of the assessed valuation of the taxable property in said city or township: *And further provided*, That no such tax shall be levied, unless first authorized by the vote of electors of such city or township;

Which motion was lost.

Section 31 being under consideration,

Mr. Bills moved to amend it by inserting after the word "taxes," the words "nor pass any act authorizing the grant of license for the sale of ardent spirits or intoxicating liquors as a beverage."

Mr. Conger moved that section 31 be passed over until section 32 was considered;

Which motion was lost.

The question being on the amendment of Mr. Bills to section 31,

Mr. Blackman moved to amend it by striking out the words "as a beverage;"

Which motion was lost.

Mr. Parsons moved that the subject of license be postponed, with the recommendation of the committee, that it be made the special order for a future day;

Which motion was subsequently withdrawn.

Mr. Birney moved to amend the amendment of Mr. Bills by adding at the end thereof the following:

"This clause of this section shall be separately submitted to the electors of this State for their adoption or rejection, in form following, to wit: A separate ballot may be given by every person having the right to vote for the revised Constitution, to be deposited in a separate box. Upon the ballots given for the adoption of the said separate section, shall be written or printed, or partly written and partly printed, the words, "License for sale of liquors—No;" and upon the ballots given against the adoption of the said separate section, in like manner, the words, "License for sale of liquors—Yes." And on such ballots shall be written or printed, or partly written and partly printed, the words, "Constitutional License," in such manner that such words shall appear on the outside of such ballot when folded. If at said election a majority of the votes for and against the said separate section shall contain the words, "License for sale of liquors—No," then there shall be inserted in the said Article numbered —, the said additional clause of the section, as foresaid separately submitted, to be numbered as section —, in said article."

After some debate, the amendment was withdrawn.

The amendment of Mr. Bills was then adopted.

Mr. Leach offered the following amendment:

Insert after the word "beverage," the words: "nor pass any act extending beyond the 3d day of June, 1874, the time for completing the railroads provided for under the act of Congress, making a grant of land to the State for railroad purposes, approved June 3, 1856."

After some debate the amendment was withdrawn.

Mr. Pratt offered the following, to stand as a new section:

"The Legislature shall not authorize any city or township to raise money by taxation for the purpose of aiding in the construction of any railroad to an extent whereby the tax raised or to be raised, exclusive of interest, or on account of aid to any and all railroads shall exceed one per cent. per year of the assessed valuation of such city or township. No county shall be authorized to raise money by taxation for any such purpose, except in the Upper Peninsula. The question of such taxation shall be submitted to a vote of the city or township to be affected thereby."

Mr. Lothrop offered the following substitute:

"No county, city or town, which has been authorized to pledge its credit to aid any railroad company or companies, shall, while such authority exists, be empowered to raise any additional money by taxation in aid of any railroad company;"

Which was not adopted.

Mr. Conger moved that the committee rise, report progress, and ask leave to sit again.

The motion prevailed.

IN CONVENTION.

The committee, through the chairman, made the following report:

The committee of the whole have had under consideration Article —, entitled "Legislative Department;"

Have made some progress therein, but not having gone through therewith, have directed me to report that fact to the Convention, and ask leave to sit again.

E. PRINGLE, *Chairman.*

Report accepted and leave granted the committee to sit again.

On motion of Mr. Henderson,

The Convention adjourned.

FORTY-FIFTH DAY.

Lansing, Friday, July 19, 1867.

The Convention was called to order by the President at 9 o'clock A. M.

Prayer by Rev. Mr. Straub.

Roll called: a quorum present.

Absent without leave, Messrs. Ferris and Longyear.

Mr. Woodhouse asked and obtained leave of absence for Mr. Longyear, until Monday next.

Mr. M. C. Watkins asked and obtained leave of absence for Mr. Ferris, during the forenoon.

Mr. Shearer asked and obtained leave of absence for Mr. W. A. Smith, for an indefinite time.

Mr. F. C. Watkins asked and obtained leave of absence for himself, for an indefinite time.

Mr. McClelland asked and obtained leave of absence for himself, until Tuesday next.

Mr. Corbin asked and obtained leave of absence for himself, until Wednesday next.

Mr. Lamb asked and obtained leave of absence for himself, for an indefinite time.

Mr. Howard asked and obtained leave of absence for himself until Tuesday morning next.

Mr. Withey asked and obtained leave of absence for himself, until Tuesday morning next.

Mr. Hixson asked and obtained leave of absence for himself, until Tuesday morning next.

Mr. Henderson asked and obtained leave of absence for himself, until Tuesday morning next.

Mr. Yeomans asked and obtained leave of absence for himself, for an indefinite time.

Mr. Musgrave asked and obtained leave of absence for himself, until Tuesday morning next.

Mr. Burtch asked and obtained leave of absence for himself, for an indefinite time.

Mr. Stoughton asked and obtained leave of absence for himself, until some day next week.

Mr. Wright asked and obtained leave of absence for himself, for one week.

Mr. Stockwell asked and obtained leave of absence for himself, until Tuesday next.

Mr. Holmes asked and obtained leave of absence for himself, until Tuesday next.

PRESENTATION OF PETITIONS.

By Mr. Holmes: memorial of the Board of Trustees, the Faculty of Albion College, praying that section 47, article 4, of the present Constitution, be retained in the new.

Referred to the committee on intoxicating liquors, ordered printed in the journal, and is as follows:

To the Honorable, the Constitutional Convention of the State of Michigan:

GENTLEMEN—We, the Board of Trustees, the Faculty and the officers and visitors of Albion College, charged as we are, with grave responsibilities in connection with the education of the youth of this State, cannot be indifferent to any movement by which the organic law of the commonwealth shall be so changed as to multiply the perils of our youth or increase the difficulties of wholesome discipline in the institutions of learning; and believing, as we do, that the striking from our Constitution of section 47, article 4, will have a tendency to increase the sale and use of intoxicating liquors, thereby adding to the perils of our youth, as they are exposed to the demoralizing influence of increased traffic in intoxicating liquors; and believing that said provision is most wise and just, we pray your Honorable body that it may be retained in the new Constitution of this State.

By Mr. Coolidge: memorial of Hon. N. Bacon, R. C. Paine and others, citizens of Niles, praying the Convention to prohibit the Legislature from granting special charters for the promotion of insurance companies.

Referred to the committee on corporations other than municipal, ordered printed in the journal, and is as follows:

To the Honorable the Constitutional Convention of the State of Michigan:

The undersigned, citizens of Niles, would respectfully request that a positive clause be inserted in the Constitution you are now framing, prohibiting the Legislature from granting special charters authorizing the formation of insurance companies.

The frauds which are likely to arise, if no such prohibition is placed in the Constitution, of a character similar to those perpetrated by the Michigan Central Insurance Company, either through the imbecility or rascality of its officers and managers admonish the undersigned to make an effort to prevent the people at large from such an imposition in the future, which can only be done by Constitutional safeguard.

By Mr. Stockwell: petition of Samuel E. Hart, A. B. Palmer, R. W. Ingalls and 190 others, legal voters of the city of Adrian, in favor of prohibition.

Referred to the committee on intoxicating liquors.

The Convention went into committee of the whole on the general order,

Mr. Lamb in the chair.

IN COMMITTEE OF THE WHOLE.

The committee resumed the consideration of the article entitled "Legislative Department."

The question being on the amendment offered by Mr. Pratt as a new section to the article, which amendment is in the following words:

"The Legislature shall not authorize any city or township to raise money by taxation for the purpose of aiding in the construction of any railroad to an extent whereby the tax raised or to be raised, exclusive of interest, or on account of aid to any and all railroads shall exceed one per cent. per year of the assessed valuation of such city or township. No county shall

be authorized to raise money by taxation for any such purpose, except in the Upper Peninsula. The question of such taxation shall be submitted to a vote of the city or township to be affected thereby."

Mr. Root moved to strike out the word "one," in the fifth line, and insert in lieu the word "two;"

Which motion was lost.

Mr. Bradley moved to amend the proposed section, striking out the words "one per cent. per year," and inserting the words "ten per cent. in any five years;"

Which motion was lost.

Mr. Lothrop moved to amend it by adding thereto the following proviso:

"*Provided*, That the amount of money so raised by taxation in any city or town in any one year shall not, when added to the amount of credits of any such city or township already pledged, and then outstanding, exceed ten per centum of the assessed valuation of such city or township."

Mr. Pratt, by unanimous consent, modified his amendment by inserting before the word "city," in the ninth line, the words, "qualified electors of the."

The amendment of Mr. Lothrop to the amendment of Mr. Pratt was withdrawn.

The question being on the amendment of Mr. Pratt,

Mr. VanValkenburgh moved that the committee rise, report progress, and ask leave to sit again;

Which motion did not prevail.

The amendment of Mr. Pratt was not adopted.

Mr. Parsons moved that the committee rise, report progress, and ask leave to sit again.

The motion prevailed.

IN CONVENTION.

The committee, through the chairman, submitted the following report:

The committee of the whole have had under consideration Article —, entitled "Legislative Department;"

Have made some progress therein, but not having gone through therewith, have directed me to report that fact to the Convention, and ask leave to sit again.

JOHN M. LAMB, *Chairman*.

Report accepted, and leave granted the committee to sit again.

On motion of Mr. Conger,

The Convention took a recess until 3 o'clock P. M.

* AFTERNOON SESSION.

3 o'clock P. M.

The Convention was called to order by the President.

Roll called: a quorum present.

Mr. Lothrop asked and obtained leave of absence for himself, until Tuesday next.

Mr. Daniells asked and obtained leave of absence for himself, until Monday next, on account of important business.

Mr. McConnell asked and obtained leave of absence for himself, until Tuesday next, on account of sickness in his family.

Mr. Parsons asked and obtained leave of absence until Tuesday next, on account of his ill health.

Mr. Ingalls offered the following resolution:

Resolved, That the committee on printing be requested to cause 300 additional copies of the diagram of the Hall of the Convention to be printed for distribution to the members.

Mr. Ingalls moved that the resolution be laid on the table;

Which motion prevailed.

Mr. McClelland moved that the Convention go into the committee of the whole on the general order;

Which was subsequently withdrawn.

Mr. Lovell offered the following resolution:

Resolved, That the committee of the whole be discharged from the further consideration of the article on "The Legislative Department," under the provisions of Rule 23.

Mr. Luce demanded the yeas and nays;
The demand was supported, and the resolution was not adopted, the following being the vote thereon:

YEAS.

| | | |
|-------------|--------------|----------------|
| Mr. Birney, | Mr. Lovell, | Mr. Thompson, |
| Blackman, | Luce, | Walker, |
| Bradley, | McClelland, | M. C. Watkins, |
| Brown, | McConnell, | White, |
| Case, | Miller, | Willard, |
| Duncan, | Morton, | Winsor, |
| Duncombe, | Ninde, | Withey, |
| Germain, | Pratt, | Yeomans, |
| Howard, | Sawyer, | President, |
| Lothrop, | T. G. Smith, | |

29

NAYS.

| | | |
|----------------|-------------|-----------------|
| Mr. Aldrich, | Mr. Harris, | Mr. Rafter, |
| Alexander, | Hazen, | Richmond, |
| Andrus, | Henderson, | Root, |
| Bills, | Hixson, | Shearer, |
| Burtenshaw, | Holmes, | Sheldon, |
| Chapin, | Holt, | Stockwell, |
| Chapman, | Huston, | Stoughton, |
| Coolidge, | Ingalls, | Turner, |
| Conger, | Kenney, | Tyler, |
| Crocker, | Lamb, | Utley, |
| Daniells, | Lawrence, | Van Riper, |
| Divine, | Leach, | Van Valkenburg, |
| Estee, | McKernan, | P. D. Warner, |
| Farmer, | Miles, | Williams, |
| Ferris, | Parsons, | Woodhouse, |
| W. F. Goodwin, | Pringle, | |

47

On motion of Mr. Henderson,
The Convention went into committee of the whole, on the
general order,
Mr. Lamb in the chair.

IN COMMITTEE OF THE WHOLE.

The committee resumed the consideration of the Article
entitled "Legislative Department."

Mr. Lovell moved that the committee rise, report the article
back to the Convention, under Rule 23;

Which was subsequently withdrawn.

Mr. Lothrop offered the following, to be added to the article as a new section, which was adopted:

Sec. —. The Legislature may empower any city or township, to raise by tax in aid of any railroad company or companies an amount of money not exceeding ten per centum of the assessed valuation of such city or township, but every such tax shall be first approved by a vote of the electors of such city or township: *Provided*, That the amount levied by any such tax shall not, when added to the principal of the credits of such city or township already pledged for like aid, and then outstanding, exceed ten per centum of the assessed valuation aforesaid.

Mr. Morton offered the following amendment to section 27:

Insert in the last paragraph, between the words "vote" and "of," the words "of the electors;" so the paragraph will read:

"The question of such aid shall be submitted to a vote of the electors of the city or township to be affected thereby;"

Which was subsequently withdrawn.

Mr. Luce moved that the committee rise, report the article back to the Convention, ask concurrence in the amendments made thereto, recommend that the article do pass, and ask to be discharged from the further consideration of the subject;

Which motion prevailed.

IN CONVENTION.

The committee, through the chairman, submitted the following report:

The committee of the whole have had under consideration Article —, entitled "Legislative Department;"

Have made sundry amendments thereto, and have directed me to report the same back to the Convention, recommending that the amendments be concurred in, and that the article when so amended, do pass, and ask to be discharged from the further consideration of the subject.

JOHN M. LAMB, *Chairman*.

Report accepted and committee discharged.

On motion of Mr. Lovell,

The article was ordered printed in the journal.

On motion of Mr. Lovell,

The article was made the special order for Wednesday next.

The article as amended is as follows:

ARTICLE ———.

LEGISLATIVE DEPARTMENT.

SECTION 1. The legislative power is vested in a Senate and House of Representatives.

Sec. 2. The Senate shall consist of thirty-two members. But after the year 1870, the Legislature may increase the number to thirty-three, by authorizing the election of two Senators in that portion of the State now included within the limits of the Thirty-Second Senatorial District. Senators shall be elected for four years, and by single districts. At the first election after the adoption of this Constitution, Senators in the odd numbered districts shall be elected for two years, and in the even numbered districts for four years. Such districts shall be numbered from one to thirty-three inclusive; each of which shall choose one Senator. No county shall be divided in the formation of Senate districts, except such county shall be equitably entitled to two or more Senators.

Sec. 3. The House of Representatives shall consist of one hundred members. Representatives shall be chosen for two years, and by single districts. Each representative district shall contain as nearly as may be, an equal number of inhabitants, including civilized persons of Indian descent, not members of any tribe, and shall consist of convenient and contiguous territory. In every county entitled to more than one Representative, the board of supervisors shall assemble at such time and place as may be provided by law, and divide the same into Representative districts, equal to the number of Representatives to which such county is entitled by law, and shall cause to be filed in the offices of the Secretary of State and clerk of such county,

a description of such representative districts, specifying the number of each district, and the population thereof, according to the last enumeration.

Sec. 4. The Legislature shall provide by law for an enumeration of the inhabitants in the year eighteen hundred and seventy-five, and every ten years thereafter; and at the first session after each enumeration so made, and also at the first session after such enumeration by the authority of the United States, the Legislature shall re-arrange the Senate districts, and apportion anew the Representatives among the counties and districts, according to the number of inhabitants, including civilized persons of Indian descent, not members of any tribe. But no re-arrangement of Senate districts shall vacate the seat of any Senator. Each apportionment and the division into Representative districts by any board of supervisors, shall remain unaltered until the return of another enumeration.

Sec. 5. Every Senator and Representative shall be a citizen of the United States, and a qualified elector of the district he represents. A removal from his district shall be deemed a vacation of his office. No Senator or Representative shall, during the time for which he may have been elected, be eligible to any office, which shall have been created, or the emoluments of which shall have been increased *by the Legislature* during such term; nor shall he be interested, directly or indirectly, in any contract with the State, or any county thereof, authorized by any law passed during said term.

Sec. 6. No person holding any elective State office, except that of Regent of the University, or Member of the Board of Education, *and no person* holding the office of probate judge, county clerk, register of deeds, county treasurer, sheriff, county superintendent of *common* schools, prosecuting attorney, or any office to which he was appointed by the President of the United States, by and with the advice and consent of the Senate, shall be allowed to take or hold a seat in either House of the Legislature.

Sec. 7. Senators and Representatives shall, in all cases, except treason, felony, or a breach of the peace, be privileged from arrest. They shall not be subject to any civil process during the session of the Legislature, or for fifteen days next before the commencement and after the termination of each session; they shall not be questioned in any other place for any speech in either House.

Sec. 8. The Legislature shall meet at the seat of government on the second Wednesday of January, in the year one thousand eight hundred and sixty-nine, and on the second Wednesday of January in every year thereafter, and at no other time or place, unless as provided in this Constitution. The time of meeting shall be at eleven o'clock in the forenoon, and the time of final adjournment shall be at twelve o'clock, noon.

Sec. 9. Each House shall choose its own officers, except as otherwise provided in this Constitution; determine the rules of its proceedings, and judge of the qualifications, elections and returns of its members, and may, with the concurrence of two-thirds of all the members elected expel a member. *The reasons for such expulsion shall be entered upon the journal, with the names of the members voting on the question.* No member shall be expelled a second time for the same cause; nor for any cause known to his constituents antecedent to his election.

Sec. 10. A majority of each House shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and compel the attendance of absent members, in such manner and under such penalties as each House may prescribe.

Sec. 11. The compensation of the members of the Legislature *during the session thereof* shall be four dollars per day for actual attendance. When convened in extra session, they shall legislate on no other subjects than those expressly stated in the Governor's proclamation, or submitted to them by special message. They shall be entitled to ten cents, and no more, for every mile actually traveled, going to and returning from the place of meeting, on the usually traveled route, and for stationery, postage and newspapers, not exceeding fifteen dollars for each member,

during any session. Each member shall be entitled to one copy of the laws, journals and documents of the Legislature of which he was a member; but shall not receive, at the expense of the State, books, newspapers, or other perquisites of office, not expressly authorized by this Constitution.

Sec. 12. The President of the Senate *shall receive an annual salary of five hundred dollars, which shall be in full for his services as Lieutenant Governor and President of the Senate.*

Sec. 13. In case of a contested election, each House shall determine the amount of per diem compensation and mileage to be received by each contestant, but the per diem compensation allowed to both parties, shall not exceed the sum of four dollars per day.

Sec. 14. Each House shall keep a journal of its proceedings, and publish the same, except such parts as may require secrecy. The yeas and nays of the members of either House, on any question, shall be entered on the journal, at the request of one-fifth of the members elected. Any member of either House may dissent from and protest against any act, proceeding or resolution which he may deem injurious to any person or the public, and have the reason of his dissent entered on the journal.

Sec. 15. In all elections by either House, or in joint convention, the votes shall be given *viva voce*. All votes on nominations to the Senate shall be taken by yeas and nays, and published with the journal of its proceedings.

Sec. 16. The doors of each House shall be open, unless the public welfare require secrecy. Neither House shall, without the consent of the other, adjourn for more than three days, nor to any other place than where the Legislature may then be in session.

Sec. 17. Bills may originate in either House of the Legislature; but no new bill *except appropriation bills*, shall be introduced after the first *forty* days of a session shall have expired.

Sec. 18. Every bill and joint resolution passed by the Legislature, shall be presented to the Governor before it becomes

a law. If he approve, he shall sign it; but if not, he shall return it, with his objection, to the House in which it originated, which shall enter the objection at large upon the journal, and reconsider it. On such reconsideration, if two-thirds of the members elected agree to pass the bill, it shall be sent, with the objections to the other House, by which, it shall be reconsidered. If approved by two-thirds of the members elected to that House, it shall become a law. In such case the vote of both Houses shall be determined by yeas and nays; and the names of the members voting for and against the bill, shall be entered on the journals of each House respectively. If any bill be not returned by the Governor within ten days, Sundays excepted, after it has been presented to him, the same shall become a law in like manner as if he had signed it, unless the Legislature by their adjournment, prevent its return; in which case it shall not become a law. The Governor may approve, sign and file in the office of the Secretary of State, within five days after the adjournment of the Legislature, any act passed during the last five days of the session, and the same shall become a law.

Sec. 19. Every bill and joint resolution shall be read three times in each House before the passage thereof. No bill or joint resolution shall become a law without the concurrence of a majority of all the members elected to each House. On the final passage of each bill the vote shall be taken separately by yeas and nays, and entered on the journal.

Sec. 20. No law shall embrace more than one *general* object, which shall be expressed in its title. No public act shall take effect or be in force until the expiration of ninety days from the end of the session at which the same is passed, unless the Legislature shall otherwise direct, by a two-thirds vote of the members elected to each House.

Sec. 21. The assent of two-thirds of the members elected to each House of the Legislature, shall be requisite to every bill appropriating the public money or property for local or private purposes.

Sec. 22. No law shall be revised, altered or amended by ref-

ence to its title only—but the section or sections of the act altered or amended, shall be re-enacted and published at length.

Sec. 24. The Legislature shall not establish a State paper, but shall provide for the speedy publication of all statute laws of a public nature, and of such judicial decision as it may deem expedient. All laws and judicial decisions shall be free for publication by any person.

Sec. 25. The Legislature may declare the cases in which any office shall be deemed vacant, and also the manner of filling the vacancy, where no provision is made for that purpose in this Constitution.

Sec. 26. The Legislature may confer upon organized townships, incorporated cities and villages, and upon the board of supervisors of the several counties, such powers of a local, legislative and administrative character as they may deem proper. *The Legislature shall provide by general law for organizing townships, cities and villages, on such conditions and subject to such regulations as may be prescribed.*

Sec. 27. *The Legislature shall not authorize any city or township to pledge its credit for the purpose of aiding in the construction of any railroad to an extent whereby the outstanding indebtedness, exclusive of interest, on account of aid to any and all railroads, shall exceed ten per cent. of the assessed valuation of such city or township. No county, except in the Upper Peninsula, shall be authorized to pledge its credit for any such purpose. The question of such aid shall be submitted to a vote of the city or township to be affected thereby.*

Sec. 28. The Legislature shall not authorize, by private or special law, the sale or conveyance of any real estate belonging to any person, nor vacate, nor alter any road laid out by commissioners of highways, or any street or public ground in any city or village, or in any recorded town plat.

Sec. 29. The Legislature shall not grant nor authorize extra compensation to any public officer, agent or contractor, after the service has been rendered or the contract entered into.

Sec. 30. No money shall be appropriated or drawn from the treasury for the benefit of any religious sect or society, theological or religious seminary, or schools under denominational control, nor shall property belonging to the State be appropriated for any such purposes. *But each House of the Legislature shall have power to employ chaplains to open its daily session with devotional exercises.*

Sec. 31. The Legislature shall not authorize any lottery or permit the sale of lottery tickets; nor grant divorces; nor audit or allow any private claim or account; nor pass special acts extending the time for the collection of taxes; *nor pass any act authorizing the grant of license for the sale of ardent spirits or intoxicating liquors as a beverage.*

Sec. 32. The style of the laws shall be: "The people of the State of Michigan enact."

Sec. —. *The Legislature may empower any city or township to raise by tax in aid of any railroad company or companies an amount of money not exceeding ten per centum of the assessed valuation of such city or township, but every such tax shall be first approved by a vote of the electors of such city or township; provided that the amount levied by any such tax, shall not, when added to the principal of the credits of such city or township, already pledged for like aid, and then outstanding, exceed ten per centum of the assessed valuation aforesaid.*

Mr. Thompson offered the following resolution, which was adopted:

Resolved, That the Secretary of the Board of Regents of the University, be requested to report to this Convention a statement of all moneys received and disbursed during the past year in the University, the receipts and disbursements for and on account of each of the departments, the number of students attending the last session, the number who were not residents of the State, and the number graduated the last year in each of the departments; also, the amount of all appropriations and donations heretofore made to the University.

On motion of Mr. Pringle,

The Convention went into committee of the whole on the general order,

Mr. Williams in the chair.

IN COMMITTEE OF THE WHOLE.

The Convention proceeded to the consideration of Article —, entitled "Military Department."

The article having been read through by the Secretary, and section 1 being under consideration,

Mr. Duncan moved to strike out the word "citizens," in the third line, and insert in lieu the word "inhabitants."

Mr. Pringle moved to amend the amendment by inserting after the word "citizen," the words "and persons who have declared their intentions to become such, under the laws of the United States;"

Which was accepted.

The amendment was not adopted.

Mr. Shearer moved to amend the section by striking out all after the word "but," in the third line, to and including the word "law," in the fifth line.

Mr. Alexander moved to amend the amendment by striking out of line three, section 1, the words, "of any religious denomination whatever;"

Which was accepted.

The amendment, as amended, was not adopted.

Mr. Sawyer moved to amend section 1 by striking out of the fourth line the words "in time of peace;"

Which motion was lost.

Section 3 being under consideration,

Mr. Van Valkenburgh moved to amend it, by striking out of line one, after the word "elected," the words "or appointed." Also, by striking out the word "be," after the word "and," in line one;

Which, after some debate, was withdrawn.

Mr. Lovell moved that the committee rise, report the article

back to the Convention, recommend that it do pass, and ask to be discharged from the further consideration of the subject;

Which motion prevailed.

IN CONVENTION.

The committee, through the chairman, submitted the following report:

The committee of the whole have had under consideration Article —, entitled "Military Department;"

Have directed me to report the same back to the Convention without amendment, recommend that it do pass, and ask to be discharged from the further consideration of the subject.

WM. B. WILLIAMS, *Chairman*.

Report accepted and committee discharged.

The article was referred to the committee on arrangement and phraseology for correction, and ordered to a third reading.

On motion of Mr. Alexander,

The Convention adjourned.

FORTY-SIXTH DAY.

Lansing, Saturday, July 20, 1867.

The Convention was called to order by the President at 9 o'clock A. M.

Prayer by Rev. Mr. Vandriss.

Roll called: a quorum present.

Mr. Bills asked and obtained leave of absence, until Wednesday next.

Mr. Root asked and obtained leave of absence, until next Tuesday morning.

Mr. Kenney asked and obtained leave of absence for Mr. Germain, for an indefinite time.

Mr. Huston asked and obtained leave of absence for Mr. Ferris, during the forenoon.

Mr. Mussey asked and obtained leave of absence, until Wednesday next.

Mr. Conger moved a call of the Convention.

A call being ordered, Messrs. Ferris and Woodhouse were reported absent without leave.

On motion of Mr. Aldrich,

All further proceedings under the call were dispensed with.

Mr. Duncan asked and obtained leave of absence, until next Tuesday morning.

PRESENTATION OF PETITIONS.

By Mr. Luce: petition of Wm. S. Card, Matilda Sprague and 52 other citizens of Batavia, Branch county, praying that the right of suffrage may be extended to men and women on equal terms.

Referred to the committee on elections.

MOTIONS AND RESOLUTIONS.

On motion of Mr. Pratt,

The article entitled "Bill of Rights," was taken from the table, and placed on the order of unfinished business.

Mr. Ingalls moved that the resolution offered by him yesterday relative to printing 300 additional copies of the diagram of the Hall of the Convention, be taken from the table;

Which motion prevailed.

The question being on the adoption of the resolution,

Mr. Aldrich moved that it be indefinitely postponed;

Which motion did not prevail.

The resolution was then adopted.

Mr. P. D. Warner offered the following resolution:

Resolved, That the special committee appointed to wait upon and procure the attendance of the resident clergy of Lansing to open the daily sessions of the Convention with religious exercises, be instructed to notify the Rev. Mr. Vandriss that the members of the Convention do not rely upon the intercessions of the Virgin Mary for Divine favor and guidance, and that

they expect the individual officiating will include in his petitions to the Father of Mercies the members of the Convention as well as himself.

Mr. Huston moved that the resolution be indefinitely postponed.

After some debate, the resolution was withdrawn.

UNFINISHED BUSINESS.

The Convention proceeded to the consideration of the unfinished business, being on concurring in the amendments made by the committee of the whole to the article entitled "Bill of Rights."

The amendments were considered *seriatim*.

The question being on concurring in the first amendment to section 2,

It was concurred in.

The question being on concurring in the second amendment to section 2,

It was concurred in.

The question being on the first amendment to section 3,

It was concurred in.

The question being on the second amendment to section 3,

It was concurred in.

The question being on the third amendment to section 3,

It was concurred in.

The question being on the fourth amendment to section 3,

It was concurred in.

The question being on the amendment to section 7,

Mr. Willard demanded the yeas and nays;

The demand was sustained, and the amendment was not concurred in, the following being the vote thereon:

YEAS.

Mr. Birney,
Blackman,
Brown,
Case,
Chapin,

Mr. Huston,
Leach,
Lovell,
Luce,
Miller,

Mr. Walker,
P. D. Warner,
M. C. Watkins,
White,
Williams,

Chapman,
Farmer,
Holt,

Ninde,
Thompson,
Utiley,

Woodhouse,
President,
23

NAYS.

Mr. Andrus,
Bradley,
Burtenshaw,
Coolidge,
Conger,
Crocker,
Divine,
Duncombe,
Estee,
W. F. Goodwin,
Harris,

Mr. Hazen,
Ingalls,
Kenney,
Lawrence,
McKernan,
Miles,
Morton,
Norris,
Pratt,
Pringle,
Rafter,

Mr. Sawyer,
Shearer,
Sheldon,
T. G. Smith,
Turner,
Tyler,
VanRiper,
Van Valkenburg,
Willard,
Winsor,
32

The question being on the amendment to section 8;

It was concurred in.

The question being on the amendment to section 14,

It was concurred in.

The question being on the amendment to section 15,

It was concurred in.

The question being on concurring in the action of the committee, in striking out section 16,

It was concurred in.

The question being on the first amendment to section 17,

It was concurred in.

The question being on the second amendment to section 17,

It was concurred in.

The question being on the third amendment to section 17,

It was concurred in.

The question being on the amendment to section 18,

It was concurred in.

Amendments to the body of the article being in order,

Mr. Aldrich moved to amend section 3, by striking out the words, "concerning matters of religion," in the the second line;

Which was not agreed to.

Mr. P. D. Warner moved to amend section 22, by striking out in the first line the words "aliens who are or may hereafter

become," and insert "all," and strike out of second and third lines, the words, "as native born citizens;"

Which motion did not prevail.

Mr. Van Riper offered the following amendment, which was not adopted:

Add at the end of section 7 the following:

"*Provided*, That whenever in the trial of any cause it becomes necessary to excuse a juror from attendance, the trial may, by the consent of the parties, proceed to a verdict."

Mr. Sawyer moved to amend section 3, by striking out the word "individuals," in the first line, and insert in lieu thereof, the word "persons;"

Which was not agreed to.

Mr. Miles offered the following amendment to section 8:

Strike out the word "have," at the end of the third line;

Which was not agreed to.

Mr. Utley offered the following new section, to stand as section 20:

"No person shall be subject to corporeal punishment, under the military or civil law, except such as are actually employed in the army or navy, in actual service, in time of war or public danger;"

Which was not adopted.

Mr. Blackman offered the following substitute for section 21:

"Slavery shall not be tolerated in this State;"

Which was not adopted.

Mr. Sawyer moved to strike out section 5;

Which was not agreed to.

Mr. Holt moved to add the following to section 7:

"The Legislature may provide by law for the rendition of verdicts in courts of record by a less number than twelve jurymen, in cases of sickness or unavoidable detention of jurymen after being sworn in civil or criminal cases;"

Which was not agreed to.

Mr. Miles offered the following as a substitute for section 23:

"Private property shall not be taken for public use, without just compensation therefor to the owner thereof;"

Which was not adopted.

Mr. Case moved to amend section 23, by inserting after the word "use," in the first line, the words "except for public highways;"

Which was not agreed to.

Mr. Alexander moved to amend section 23, by adding at the end of the section, the following words: "and such compensation shall be without deduction for benefits to any property of the owner;"

Which, after some debate, was withdrawn.

Mr. Thompson offered the following substitute for section 23:

"Private property shall not be taken for public use, without just compensation therefor;"

Which was adopted.

Mr. Shearer offered the following new section, to stand as section 24:

"Corporeal punishment shall not be inflicted until all other means of restraint for crime or disorder shall be resorted to;"

Which was not adopted.

The article was then referred to the committee on arrangement and phraseology, for correction and engrossment.

On motion of Mr. Lovell,

The Convention took a recess until 2 o'clock.

AFTERNOON SESSION.

2 o'clock P. M.

The Convention was called to order by the President.

Roll called: a quorum present.

Mr. Burtch arose to a question of privilege, and presented a written communication to the Convention.

The communication having been partially read,

The President ruled that it was out of order, as it was disrespectful to the Convention.

Mr. Walker, by unanimous consent, offered the following resolution, which was adopted:

Resolved, That when this Convention adjourn this afternoon, it be to Monday next at 10½ o'clock A. M.

Mr. Burtch asked leave of absence for an indefinite time.

Mr. Leach moved to lay the request for leave of absence on the table;

Which was agreed to.

The President, by unanimous consent, presented the following communication:

MICHIGAN STATE LIBRARY, }
Lansing, July 20, 1867. }

Hon. C. M. CROSWELL, *President of the Constitutional Convention*:

SIR—I have received per express to-day, ten copies of the debates, journals, documents and manual, Part 1, of the New York Constitutional Convention. Said debates, documents, &c., are at the disposal of the Convention, over which you preside.

Very respectfully,

J. EUGENE TENNEY,

State Librarian.

The communication was ordered printed in the journal, and laid on the table.

On motion of Mr. P. D. Warner,

The Convention went into committee of the whole on the general order,

Mr. Morton in the chair.

IN COMMITTEE OF THE WHOLE.

Mr. Farmer moved that the committee take up the article entitled "Cities and Villages;"

Which motion did not prevail.

The committee proceeded to the consideration of the article entitled "Elections."

The article being read by the Secretary, and section one being under consideration,

Mr. Ingalls moved to amend it by striking out the words "three months," in the second line, and inserting in lieu, the words "one year;" also, by striking out the word "ten," in the same line, and inserting in lieu the word "thirty."

Mr. Holt moved to amend the amendment, by striking out the words "one year," and inserting in lieu, the words "six months."

Mr. T. G. Smith asked for a division of the question;
The question being on striking out "three months,"
It was agreed to.

The question being on inserting "one year" in the blank,
It was not agreed to.

The question being on inserting "six months,"
It was not agreed to.

Mr. T. G. Smith moved to fill the blank with "four months,"
Which was not agreed to.

On motion of Mr. Huston,

The vote by which the words "three months" were struck out, was reconsidered.

The question recurring on striking out the words "three months,"

It was not agreed to.

Mr. Alexander moved to amend section 1, by striking out of the second line the word "ten," and insert in lieu thereof, "thirty;"

Which was agreed to.

Mr. Miles moved to amend section 1, by striking out of the first line the words "twenty-one," and inserting in lieu thereof the word "eighteen;"

Pending which,

Mr. Conger moved that the committee rise, report progress, and ask leave to sit again.

The motion prevailed.

IN CONVENTION.

The committee, through the chairman, submitted the following report:

The committee of the whole have had under consideration Article —, entitled "Elections;"

Have made some progress therein, but not having gone through therewith, have directed me to report that fact to the Convention, and ask leave to sit again.

E. G. MORTON, *Chairman*.

Report accepted, and leave granted the committee to sit again.

On motion of Mr. T. G. Smith,

The Convention adjourned.

FORTY-SEVENTH DAY.

Lansing, Monday, July 22, 1867.

The Convention was called to order by the President at 10½ o'clock A. M.

Prayer by Rev. Mr. Weed.

Roll called: a quorum present.

MOTIONS AND RESOLUTIONS.

Mr. Leach offered the following resolution, which was adopted:

Resolved, That the *per diem* of the Secretary and his Assistants, the Sergeant-at-Arms and his Assistants, and the Firemen, be four dollars per day each; and that the Secretary and Sergeant-at-Arms be allowed the same mileage as is allowed to members.

Mr. Conger offered the following resolution which was adopted:

Resolved, That of the ten copies of the New York Convention documents, sent to this Convention, one set be apportioned to each eleven members of this Convention, whose seats are contiguous to each other, and one set to the President and officers of the Convention.

On motion of Mr. Miles,

The Convention went into committee of the whole on the general order,

Mr. Morton in the chair.

IN COMMITTEE OF THE WHOLE.

The committee resumed the consideration of the article entitled "Elections."

The pending question being on the amendment offered by Mr. Miles to section 1, to strike out of the first line the words "twenty-one," and insert in lieu thereof the word "eighteen;"

It was not agreed to.

Mr. Estee moved to amend the section by inserting in the eleventh line, after the word "all," the word "civilized;" and add at the end of the line, the words "and not the members of any tribe."

Mr. P. D. Warner moved to strike out the eleventh line of the section;

Pending which,

Mr. Chapin moved that the committee rise, report progress, and ask leave to sit again;

Which motion prevailed.

IN CONVENTION.

The committee, through the chairman, submitted the following report:

The committee of the whole have had under consideration Article —, entitled "Elections;"

Have made some progress therein, but not having gone through therewith, have directed me to report that fact to the Convention, and ask leave to sit again.

E. G. MORTON, *Chairman*.

Report accepted, and leave granted the committee to sit again.

On motion of Mr. Turner,
The Convention took a recess until 3 o'clock P. M.

AFTERNOON SESSION.

3 o'clock P. M.

The Convention was called to order by the President.

Roll called: a quorum present.

Mr. Burtch asked and obtained leave of absence for an indefinite time.

On motion of Mr. P. D. Warner,

The Convention went into committee of the whole on the general order,

Mr. Morton in the chair.

IN COMMITTEE OF THE WHOLE.

The committee resumed the consideration of the Article entitled "Elections."

The pending question being on the amendment of Mr. Estee to section 1;

A division being called for, the first clause of the amendment was not agreed to.

The last clause of the amendment was withdrawn.

Mr. Utley moved to amend the section by adding thereto the words "and not receiving an annuity from the same;"

Which motion was lost.

The question recurring on the motion of Mr. P. D. Warner, to strike out the 11th line to wit:

"*Fourth*—All male Indians, natives of the United States;"

It was not agreed to.

Mr. Case moved to amend section 1, by striking out the word "male," in the 5th and 9th lines.

Mr. Farmer moved to amend the section, by striking out the word "male," in line five, being the first subdivision of the section.

The amendment of Mr. Case was withdrawn.

The question being taken on the amendment of Mr. Farmer, and no quorum voting,

Mr. Leach moved a call of the House.

A call being had, and a quorum being present,

The question on the amendment was again taken, and it was agreed to.

Mr. Norris moved to further amend the section by striking out the word "male," in the eleventh line of section 1;

Which was declared out of order, the committee having previously refused to strike out the eleventh line.

Mr. P. Dean Warner moved to amend section 1, by striking out of line six, the words "the United States," and inserting "this State."

Mr. Blackman moved to amend the amendment by inserting after the words "United States," the words "five years, and in this State;"

Pending which,

Mr. Turner moved that the committee rise, report progress and ask leave to sit again.

The motion prevailed.

IN CONVENTION.

The committee, through the chairman, made the following report:

The committee of the whole have had under consideration Article —, entitled "Elections;"

Have made some progress therein, but not having gone through therewith, have directed me to report that fact to the Convention, and ask leave to sit again.

E. G. MORTON, *Chairman.*

Report accepted and leave granted the committee to sit again.

On motion of Mr. Case,

The Convention adjourned.

FORTY-EIGHTH DAY.

Lansing, Tuesday, July 23, 1867,

The Convention was called to order by the President at 9 o'clock A. M.

Prayer by Rev. Mr. Hickox.

Roll called: a quorum present.

Mr. Turner asked and obtained leave of absence for Messrs. Withey and Sutherland, for the day.

Mr. Henderson asked and obtained leave of absence for Mr. Holmes, for the day.

Mr. Blackman asked and obtained leave of absence for Mr. Root, for the day, on account of sickness.

PRESENTATION OF PETITIONS.

By Mr. Shearer: petition of Horace Smith, H. S. Ingalls, W. D. Perkins, J. W. Kincaid and 30 others, for a repeal of the prohibitory law for the sale of intoxicating drinks, and to establish a well regulated license law.

Referred to the committee on intoxicating liquors.

REPORTS OF STANDING COMMITTEES.

By the committee on counties:

The committee on counties, to whom was recommitted Article —, entitled "Counties,"

Respectfully report that they have had the same under consideration, and have directed me to report the article back to the Convention, with the accompanying amendments, recommending that the amendments be concurred in, and when so amended, that the article do pass, and ask to be discharged from the further consideration of the subject.

CYRUS G. LUCE, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Luce,

The article and amendments were laid on the table and ordered to be printed in the journal.

The article is as follows:

ARTICLE —.

COUNTIES.

SECTION. 1. Each organized county shall be a body corporate, with such powers and immunities as shall be established by law. All suits and proceedings, by or against said county, shall be in the name thereof.

Sec. 2. No new county shall be organized without submitting the question to a vote of the electors residing therein, nor unless a majority thereon, shall vote for the same.

Sec. 3. No new county, containing less than sixteen towns, as surveyed by the United States, shall be organized from one or more counties; nor shall any organized county be reduced by the organization of new counties to less than sixteen such towns, unless in pursuance of law, a majority of the votes cast by the electors residing in the county or each of the counties to be thereby so reduced below sixteen townships, shall be in favor of such organization: *Provided, That nothing herein contained, shall be so construed as to prevent the Legislature from organizing any county composed wholly of Islands within the territory of the State, or discontinuing any such county, and attaching the same to the nearest county or counties on the main land.*

Sec. 4. In each organized county there shall be a sheriff, a county clerk, a county treasurer, a register of deeds, a prosecuting attorney, and such other officers as may be provided by law, chosen by the electors thereof once in two years, and as often as vacancies shall happen, whose duties and powers shall be prescribed by the Legislature. The board of supervisors in any county may unite the offices of county clerk and register of deeds in one office, or disconnect the same.

Sec. 5. The sheriff, county clerk, county treasurer, judge of probate and register of deeds, shall hold their offices at the county seat.

Sec. 6. The sheriff shall hold no other county office, nor the office of supervisor. No person shall be eligible to the office of

sheriff, for more than four in a period of six years. The county shall never be responsible for his acts.

Sec. 7. A board of supervisors, consisting of one from each organized township, shall be established in each county, with such powers as shall be prescribed by law.

Sec. 8. Cities shall have such representation in the board of supervisors as the Legislature may direct.

Sec. 9. No county seat, once established, shall be removed, until the place to which it is proposed to be removed shall be designated by a *majority* of the board of supervisors of the county, and two-thirds of the electors voting thereon, shall have voted in favor of the proposed location, in such manner as shall be prescribed by law.

Sec. 10. The board of supervisors of any county may borrow, or raise by tax, *a sum not exceeding* one and one-half mill upon the dollar, of the assessed valuation thereof, for constructing and repairing public buildings, highways or bridges; but no greater sum shall be borrowed or raised by tax for such purpose, in any one year, unless authorized by a majority of the electors of such county voting thereon.

Sec. 11. *The board of supervisors, or the board of county auditors, in the county of Wayne, and in such other counties as the Legislature may provide for the election thereof, shall, except as otherwise provided by law, have power to prescribe the compensation due for all services rendered, and adjust all claims against their respective counties, and such determination and adjustment shall be subject to no appeal. Supervisors and county auditors shall receive for their services such compensation as shall be prescribed by law.*

The amendments reported by the committee are as follows:

Add to section 8 the following:

“Incorporated villages containing not less than four thousand inhabitants, shall be entitled to one member of the board.”

Amend section 11 so that it shall read as follows:

“The board of supervisors, or the board of county auditors in the county of Wayne, and in such other counties as the Leg-

islature may provide for the election thereof, shall have power to prescribe the compensation due for all services rendered, and adjust all claims against their respective counties. And such determination and adjustment shall be subject to no appeal. All claims for service for which fees shall have been prescribed by the Legislature, shall be audited and allowed by such board in accordance therewith. Supervisors and county auditors shall receive for their services such compensation as shall be prescribed by law."

By the committee on arrangement and phraseology:

The committee on arrangement and phraseology, to whom were referred the several articles entitled "Executive Department," "Exemptions," "Impeachments and Removals from Office," and "Military Department,"

Respectfully report that they have had the same under consideration, and have directed me to report the same back with some corrections, recommending that the same be concurred in, and ask to be discharged from the further consideration of the subject.

T. NINDE, *Chairman.*

Report accepted and committee discharged.

The articles, as amended, are as follows:

ARTICLE —.

EXECUTIVE DEPARTMENT.

SECTION 1. The executive power is vested in a Governor, who shall hold his office for *two* years; a Lieutenant Governor shall be chosen for the same term.

Sec. 2. No person shall be eligible to the office of Governor or Lieutenant Governor, who has not been five years a citizen of the United States, and a resident of this State two years next preceding his election; nor shall any person be eligible to either office who has not attained the age of twenty-five years.

Sec. 3. The Governor and Lieutenant Governor shall be elected at the times and places of choosing the members of the

Legislature. The person having the highest number of votes for Governor or Lieutenant Governor shall be elected.

Sec. 4. The Governor shall be Commander-in-Chief of the military and naval forces; and may call out such forces to execute the laws, to suppress insurrection, and to repel invasion.

Sec. 5. He may require information in writing from officers of the Executive Department, upon any subject relating to the duties of their respective offices.

Sec. 6. He shall take care that the laws be faithfully executed.

Sec. 7. He may convene the Legislature on extraordinary occasions.

Sec. 8. He shall give to the Legislature, and at the close of his official term to the next Legislature, information by message, of the condition of the State, and recommend such measures as he shall deem expedient.

Sec. 9. He may convene the Legislature at some other place when the seat of government becomes dangerous from disease, or a common enemy.

Sec. 10. He shall issue writs of election to fill such vacancies as occur in the Senate or House of Representatives.

Sec. 11. He may grant reprieves, commutations and pardons, after conviction, for all offenses except treason, and cases of impeachment, upon such conditions, and with such restrictions and limitations as he may think proper, subject to regulations provided by law, relative to the manner of applying for pardons. Upon conviction for treason, he may suspend the execution of the sentence until the case shall be reported to the Legislature at its next session, when the Legislature shall either pardon or commute the sentence, direct the execution of the sentence, or grant a further reprieve. He shall communicate to the Legislature at each session, *information* in each case of reprieve, commutation or pardon granted by him, and the reasons therefor.

Sec. 13. In case of the impeachment of the Governor, his removal from office, death, inability, resignation or absence

from the State, the powers and duties of the office, *except those of Commander-in-Chief, in case of the absence of the Governor from the State at the head of a military force thereof*, shall devolve upon the Lieutenant Governor for the residue of the term, or until the disability ceases. [But when the Governor shall be absent from the State at the head of a military force thereof, he shall continue to be Commander-in-Chief.]

Sec. 14. During a vacancy in the office of Governor, if the Lieutenant Governor die, resign, be impeached, displaced, be incapable of performing the duties of his office, or absent from the State, the President *pro tempore* of the Senate shall act as Governor until the vacancy be filled or the disability cease.

Sec. 15. The Lieutenant Governor shall, by virtue of his office, be President of the Senate, *and when there is an equal division he shall give the casting vote.* In committee of the whole he may debate all questions. *He shall be chairman of the Board of State Auditors, and perform such other administrative duties as may be prescribed by law.*

Sec. 16. No member of Congress, nor any person holding office under the United States, or other office of this State, shall execute the office of Governor.

Sec. 17. No person elected Governor or Lieutenant Governor, shall [receive] any office or appointment from the Legislature, or either House thereof, during the time for which he was elected. All votes for either of them, for any such office [or appointment] shall be void.

Sec. 18. The Lieutenant Governor and President of the Senate *pro tempore*, when performing the duties of Governor, shall receive the same compensation as the Governor.

Sec. 19. All official acts of the Governor, his approval of the laws excepted, shall be authenticated by the great seal of the State, which shall be kept by the Secretary of State.

Sec. 20. All commissions issued to persons holding office under the provisions of this Constitution, shall be in the name and by the authority of the people of the State of Michigan,

sealed with the great seal of the State, signed by the Governor, and countersigned by the Secretary of State.

ARTICLE —.

EXEMPTIONS.

SECTION 1. The personal property of every resident of this State, to consist of such property only as shall be designated by law, shall be exempted *to the amount of not less than five hundred dollars, from sale on execution or other final process of any court, issued for the collection of any debt.*

Sec. 2. Every homestead, not exceeding forty acres of land, and the dwelling house thereon, and the appurtenances, to be selected by the owner thereof, owned and occupied by any resident of this State, not exceeding in value twenty-five hundred dollars, shall be exempt from forced sale for the collection of any debt, on execution or other final process of any court. Such exemption shall not extend to any mortgage thereon lawfully obtained, but such mortgage or other alienation of such land by the owner thereof, if a married man, shall not be valid without the signature of the wife to the same.

Sec. 3. Any resident of this State, owning and occupying a house on land not his own, and claiming the same as a homestead, shall be entitled, as to such house, to the benefits provided in this article, to the same extent as if he were the owner of such land. *But such exemption shall not in any way impair or affect the rights of the owner of said land.*

Sec. 4. [If the owner of a homestead die or desert his family, leaving a widow, wife or children, such homestead] shall be exempt from the payment of his debts, in all cases where the owner dies or deserts, leaving a widow, wife or children, so long as *the widow shall be without other homestead of her own and during the minority of the children, or while the deserted wife shall occupy said homestead.*

Sec. 5. The real and personal estate of every woman acquired before marriage, and the property to which she [may] afterwards become entitled, by gift, grant, inheritance or device, shall be

and remain the estate and property of such woman, and shall not be liable for the debts, obligations or engagements of her husband, and may be devised, bequeathed and alienated by her, as if she were unmarried.

ARTICLE —.

IMPEACHMENTS AND REMOVALS FROM OFFICE.

SECTION 1. The House of Representatives shall have the sole power of impeaching civil officers for corrupt conduct in office, or for crimes and misdemeanors; but a majority of the members elected, shall be necessary to direct an impeachment.

Sec. 2. Every impeachment shall be tried by the Senate. When the Governor or Lieutenant Governor shall be tried, the Chief Justice of the Supreme Court shall preside. When an impeachment is directed, the members of the Senate shall take an oath or affirmation truly and impartially to try and determine the same according to evidence. No person shall be convicted without the concurrence of two-thirds of the members elected. Judgment, in case of impeachment, shall not extend further than removal from office; but the party accused, whether acquitted or convicted, shall be liable to trial and punishment according to law.

Sec. 3. When an impeachment is directed, the House of Representatives shall *appoint*, from their own body, a *committee*, whose duty it shall be to prosecute such impeachment. *An impeachment may be tried after the final adjournment of the Legislature.*

Sec. 4. No officer shall exercise his office after an impeachment is directed, until he is acquitted.

Sec. 5. The Governor may make a provisional appointment to fill a vacancy occasioned by the suspension of an officer, until he shall be acquitted, or until the election and qualification of a successor.

Sec. 6. For reasonable cause, which shall not be sufficient ground for the impeachment of a judge, the Governor shall remove him on a concurrent resolution of two-thirds of the mem-

bers elected to each House of the Legislature, after the party accused shall have had an opportunity to be heard in his defense; but the cause for which such removal is required shall be stated at length in such resolution.

Sec. 7. *County, township, city, village or school district officers may be removed in such manner and for such cause as may be provided by law.*

Sec. 8. *The Governor shall have the power and it shall be his duty, to examine into the condition of any State office and the act of any State officer, and to suspend such officer, except a judge or member of the Legislature, for gross neglect of duty or for corrupt conduct in office, or any misfeasance or malfeasance therein, and to make a provisional appointment to fill the vacancy occasioned thereby, and report the cause of such suspension to the Legislature if in session, if not, then at the commencement of the next session thereof; and the Legislature shall proceed to investigate such cause, and if found insufficient, such officer shall be reinstated for the unexpired portion of his term.*

Sec. 9. Whenever, during the recess of the Legislature, it shall, in the opinion of the Governor, become necessary to direct an impeachment of any civil officer, he may, by proclamation, convene the House of Representatives for that purpose; and if the House, when so convened, shall direct an impeachment, he shall in like manner immediately convene the Senate to try such impeachment; and whenever in the opinion of the President of the Senate and Speaker of the House of Representatives, it shall, during a recess of the Legislature, become necessary to direct an impeachment of the Governor, they may, by their joint proclamation, convene the House for that purpose; and if the House direct such impeachment, the said President and Speaker shall, in like manner, immediately convene the Senate to try such impeachment.

ARTICLE —.

MILITARY DEPARTMENT.

SECTION 1. The militia shall be composed of all able-bodied male citizens between the ages of eighteen and forty-five years,

except such as are exempted by the laws of the United States or of this States; but all citizens of any religious denomination who, from scruples of conscience, may be averse to bearing arms, shall, in time of peace, be excused therefrom, upon such terms and conditions as shall be prescribed by law.

Sec. 2. The Legislature shall provide by law for organizing, equipping and disciplining the militia in such manner as they shall deem expedient, not incompatible with the laws of the United States.

Sec. 3. Officers of the militia shall be elected or appointed, and be commissioned in such manner as may be provided by law.

MOTIONS AND RESOLUTIONS.

Mr. Huston offered the following resolution which was adopted:

Resolved, That the *per diem* of the Postmaster of this Convention be four dollars per day.

Mr. Lovell moved that the resolution and proceedings had thereon on Saturday last, relating to the religious exercises of that day, be expunged from the journal, and suppressed in the proceedings and debates.

On motion of Mr. Turner,

The motion was laid on the table.

On motion of Mr. Chapin,

The Convention went into committee of the whole, on the general order,

Mr. Morton in the chair.

IN COMMITTEE OF THE WHOLE.

The committee resumed the consideration of the article entitled "Elections."

The pending question being on the amendment of Mr. Blackman to the amendment of Mr. P. D. Warner,

It was not agreed to.

The question recurring on the amendment of Mr. P. D. Warner,

It was not adopted.

Section 2 being under consideration,

Mr. Miles moved to amend it by striking out of the 2d line the words "otherwise entitled thereto."

Mr. Ferris moved to amend the amendment by substituting therefor, the words "twenty-one years of age;"

Which was accepted.

The amendment, as amended, was not adopted.

Mr. Holt offered the following substitute for section 2:

Sec. 2. That in time of war, insurrection or rebellion, no qualified elector in the actual military service of the United States, or of this State, in the army or navy thereof, shall be deprived of his vote, by reason of his absence from the township, ward or State in which he resides; and the Legislature shall have the power, and shall provide the manner in which, and the time and place at which such absent electors may vote, and for the canvass and return of their votes to the township, ward, or election district in which they respectively reside, or otherwise.

Mr. Pringle, by unanimous consent, offered the following substitute for the section:

SECTION 2. In time of war, insurrection or rebellion, no qualified elector in the actual military or naval service of the United States, or of this State, shall be deprived of his vote by reason of his absence from the township or ward in which he resides, and the Legislature shall provide the time and place at which such absent electors may vote, and for the canvass and return of their votes, to be counted in the township or ward in which he resides.

Mr. Williams moved to amend the section by inserting in line three, after the word "State," the words "at such place and in such manner as shall be provided by law;"

Which amendment was adopted.

The substitute of Mr. Holt was withdrawn.

The substitute of Mr. Pringle was withdrawn.

Mr. Ferris moved to amend section 2 by adding thereto the following:

“And in time of war, insurrection or rebellion, all residents of this State twenty-one years of age, who shall enlist and serve in the military or naval service of the United States or of this State, until honorably discharged, shall be entitled to the elective franchise.”

Which motion was lost.

Section 3 being under consideration,

Mr. Andrus moved to amend it by inserting in line one, after the word “election,” the words “to office;”

Which motion was lost.

Section 4 being under consideration,

Mr. Turner moved to amend it by inserting in line one, after the word “felony,” the word “misdemeanor.”

Which motion prevailed.

Section 7 being under consideration,

Mr. Norris moved to amend it by striking out the word “may,” in the first line, and inserting in lieu the word “shall;”

Which motion was lost.

Mr. Daniells moved to amend section 7, by adding thereto the words:

“And the Legislature shall provide that a register of all citizens entitled to the right of suffrage in each election district, shall be made and completed at least six days before any election, and no person shall vote at such election who shall not have been registered according to law.”

Which motion was lost.

Section 9 being under consideration,

Mr. Alexander moved to amend it by adding thereto the following:

“Or any person under guardianship, or who may, after the adoption of this Constitution, desert from the military service of this State, or the United States;”

Mr. Willard called for a division of the question;

The question being on the first clause of the amendment,
It was not agreed to.

The question being on the second clause of the amendment,
It was agreed to.

Section 10 being under consideration,

Mr. Chapin offered the following substitute therefor:

"Any inhabitant of this State who may hereafter be engaged in a duel, or who shall have been convicted of an infamous crime, under the laws of the United States, or of this State, and who is not restored to citizenship by a legal pardon, may be excluded by the Legislature from holding any office, and from voting at any election."

Mr. Van Riper moved to amend section 10, in line one, by inserting after the word "duel," the words "or prize fight;"

Which was agreed.

Mr. Willard moved to amend the section by inserting after the word "duel," in line 1, "either as principal or accessory before the fact;"

Which motion was lost.

The question recurring on the substitute for section 10,

Mr. Lovell called for a division of the question.

The question being on striking out the section,

It was not agreed to.

Mr. Pringle offered the following to stand as a new section:

Sec. —. A general biennial election shall be held on the Tuesday following the first Monday of November, in the year 1868, and in each second year thereafter, at which shall be elected a Governor, Lieutenant Governor, and such State, legislative, judicial and county officers as shall not be by law required to be elected at a different time.

Mr. Farmer moved to amend it by striking out all after and including the word "at;"

Which was not agreed to.

The question recurring on the amendment of Mr. Pringle,

It was not adopted.

Mr. Norris offered the following to stand as a new section:

SECTION —. Every person who after the 1st day of January, 1869, shall desire to become registered and cast a first vote, must be able to read the Constitution of this State, and write his name: *Provided, however,* That the provisions of this section shall not apply to any person or persons prevented by physical disability from complying with its requisitions, nor to any person who shall be sixty years of age or upwards, at the time this Constitution shall take effect.

Mr. Conger moved to amend it by inserting after the word "read," the words "and understand;"

Which motion was lost.

Mr. Harris moved that the committee rise, report progress, and ask leave to sit again;

Which motion was lost.

Mr. Lovell moved to amend the amendment of Mr. Norris by striking out "1869," and inserting in lieu thereof "1875;"

Which was not agreed to.

The question recurring on the amendment of Mr. Norris,
It was not agreed to.

Mr. Blackman moved that the committee rise, report progress, and ask leave to sit again;

Which motion prevailed.

IN CONVENTION.

The committee, through the chairman, submitted the following report:

The committee of the whole have had under consideration Article —, entitled "Elections;"

Have made sundry amendments thereto, and have directed their chairman to report the same back to the Convention, asking concurrence therein, and recommend its passage.

E. G. MORTON, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. McClelland,

The article and amendments were laid on the table, and ordered printed in the journal.

The article as amended is as follows:

ARTICLE —.

ELECTIONS.

SECTION 1. In all elections, every person of the age of twenty-one years, who shall have resided in this State three months, and in the township or ward in which he offers to vote *thirty* days next preceding an election, belonging to either of the following classes, shall be an elector, and entitled to vote:

First. Every citizen of the United States;

Second. Every male inhabitant of this State, who shall have resided in the United States two years and six months, and declared his intention to become a citizen of the United States, pursuant to the laws thereof, six months preceding an election;

Third. Every male inhabitant residing in this State on the twenty-fourth day of June, one thousand eight hundred and thirty-five;

Fourth. All male Indians, natives of the United States.

Sec. 2. In time of war, insurrection or rebellion, the right to vote shall be enjoyed by all persons otherwise entitled thereto, who may be in the actual military or naval service of the United States, or of this State, *at such place and in such manner as shall be prescribed by law: Provided,* Their votes shall be made to apply to the township or ward of which they are residents.

Sec. 3. All elections shall be by ballot, except of such township officers as may be authorized by law to be otherwise chosen.

Sec. 4. Every elector, in all cases except treason, felony, *misdemeanor* or breach of the peace, shall be privileged from arrest during his attendance at election, and in going to and returning from the same.

Sec. 5. No elector shall be obliged to do military duty on the day of election, except in time of war or public danger, or attend court as a suitor or witness.

Sec. 6. No elector shall be deemed to have gained or lost a residence by reason of his being employed in the service of the United States or of this State, nor while engaged in the navigation of the waters of this State or of the United States, or of the high seas, nor while a student at any seminary of learning, nor while kept at any alms house or other asylum at public expense, nor while confined in any public prison.

Sec. 7. Laws may be passed to preserve the purity of elections, and guard against the abuses of the elective franchise.

Sec. 8. No soldier, seaman nor marine in the army or navy of the United States shall be deemed a resident of this State, in consequence of being stationed in any military or naval place within the same.

Sec. 9. No idiot or insane person shall be entitled to the privileges of an elector, *or who may, after the adoption of this Constitution, desert from the military service of this State or of the United States.*

Sec. 10. Any inhabitant of this State, who may be hereafter engaged in a duel *or prize fight*, shall be disqualified from holding any office, and from voting at any election.

Sec. 11. The Legislature may authorize townships to hold their elections within the corporate limits of adjoining cities.

On motion of Mr. Lovell,

The Convention took a recess until 2½ o'clock P. M.

AFTERNOON SESSION.

2½ o'clock P. M.

The Convention was called to order by the President.

Roll called: a quorum present.

Mr. Lovell asked and obtained leave of absence for Mr. Howard for the afternoon, on account of sickness.

On motion of Mr. Farmer,

The Convention went into committee of the whole on the general order,

Mr. Winsor in the chair.

IN COMMITTEE OF THE WHOLE.

On motion of Mr. Lovell, the committee took up the Article entitled "Cities and Villages."

The article having been read through by the Secretary, and Section 1 being under consideration,

Mr. Williams moved to amend it by striking out the word "regulate," in the second line, and insert the word "restrict," in lieu thereof;

Which motion was lost.

Mr. Birney moved to amend the section by inserting after the word "provide," in the first line, the words "by general laws;"

Which motion was lost.

Section 2 being under consideration,

Mr. McClelland offered the following substitute therefor:

"Mayors and members of the common council in cities, shall be elected by electors thereof, at large or in their proper wards or districts, as shall be provided by law; all other municipal officers or boards in whom is vested any portion of municipal authority, shall be elected as aforesaid, or appointed by the mayor and common council, in such manner as shall be provided by law."

Mr. Alexander moved to amend the amendment by adding after the word "council," in the 8th line, the words "or the president and board of trustees of villages;"

Which motion prevailed.

The question recurring on the adoption of the substitute as amended,

It was adopted.

The committee proceeded to the consideration of the article entitled "Education."

The article was read by the Secretary.

Section 3 being under consideration,

Mr. Van Valkenburgh moved to amend it by striking out the word "four," in the second line, and inserting in lieu the word "six."

Mr. Aldrich moved to amend the amendment by striking out "six," and inserting "nine."

Mr. Huston offered the following substitute for the section:

Section 3. The Legislature shall provide for a system of primary schools, by which each district in the State shall maintain a school free of charge for tuition, at least eight months in the year. The instruction shall, in all cases, be in the English language.

Pending the debate,

Mr. Case moved that the committee rise, report progress, and ask leave to sit again.

The motion prevailed.

IN CONVENTION.

The committee, through the chairman, made the following report:

The committee of the whole have had under consideration Article —, entitled "Cities and Villages;"

Have made sundry amendments thereto, and have directed their chairman to report the same back to the Convention, asking concurrence therein, and recommend its passage.

The committee of the whole have also had under consideration Article —, entitled "Education;"

Have made some progress therein, but not having gone through therewith, have directed me to report that fact to the Convention, and ask leave to sit again.

RICHARD WINSOR, *Chairman*.

The report was accepted, and the committee discharged from the further consideration of the first named article.

Leave was granted the committee to sit again on the last named article.

The question being on concurring in the amendments made by the committee to the first named article,

Mr. P. D. Warner moved that the Convention adjourn.

The motion to adjourn was, by request, withdrawn.

Mr. Richmond, by unanimous consent, presented the memorial of a committee of the Alumni of the University, and resolutions, asking that provision be made in the Constitution for appointing the Board of Regents, and a provision for tax for the support of the University.

The memorial was laid on the table, ordered to be entered at large on the journal, and is as follows:

To the Constitutional Convention of the State of Michigan:

At the annual meeting of the Alumni of the University of Michigan, held in the law lecture room of the University, on the twenty-fifth day of June, 1867, the following resolutions were unanimously adopted:

Resolved, That in the judgment of the Alumni of the University of Michigan, the organic law of the State should be so framed as to secure—

First. The entire management and control of the University by the Board of Regents;

Second. That the Regents should be elected, on the nomination of the Governor, by the Senate;

Third. That it provide for a specific tax of one-twentieth of a mill as a fund in aid of the University.

Resolved, That with a view to carry into practical effect the above resolution, a committee of five be appointed by the chair from the Alumni residing in Ann Arbor, to draft a memorial to the Constitutional Convention, urging that Honorable body to incorporate into the organic law the principle contained in the first resolution.

We, the undersigned, the committee appointed in accordance with the above resolution, beg leave most respectfully to represent to your Honorable body that the great object we have in view in urging upon you the incorporation of a provision in the Constitution placing the entire control of the University in the hands of the Board of Regents, is that in so doing its future may be in the keeping of those whose position require them to study and investigate the necessities of the institution, and therefore are the most fit to judge of what had and what had

not better be introduced therein, in order not only to promote the interests of the institution, but to carry into effect the original, broad and comprehensive plan of a true University, on which plan our own University is established.

And in urging upon your Honorable body the propriety of the election of the Regents by the Senate, on the nomination of the Governor, we would respectfully say that in our judgment the office of Regent is such an office, that it requires great care and prudence in the selection of a person, competent to fill it; something more than can be completely done in the hurry and excitement of a political convention. And although we are not prepared to say that in the present mode of selecting them there has been any great injury done, yet if it were left with the Governor of the State to choose the Regents, he would have time and opportunity to select men who, from their known identification with the interests of the State, and familiarity with the interests and wants of the institution, would be better fitted and qualified to act for the best interests of the University, than those who might be selected by any political convention.

The office of Regent is not a political office, nor should it become so by having the Regents the creatures of a political party, responsible in a great measure to a political party for their position as Regents, or their retention in office. And it is our great object and desire so to shield the University and its interests from the current of political strife, either in the Convention or Legislature, so that under the fostering care of the Regents, it may still grow and prosper, and continue (as it is,) one of the most thorough and complete institutions in the land; an institution of no city or county, or *part* of the State, but the University of Michigan, in fact, as well as name.

We would also urge upon your Honorable body, the necessity of creating a permanent fund for the support of the University. Its present resources are not sufficient to meet its current expenses, and enable the regents to carry out the original plan of having taught in the University all the subjects that properly should have a place in a University, established

on the broad and comprehensive plan of the University of this State. It is our opinion that the creation of a permanent fund, by the small tax of one-twentieth of a mill on a dollar of all the taxable property of the State, will accomplish that object. It will give the University a firm and permanent financial basis, so that it will not be necessary to apply, from time to time, to the Legislature, for further necessary appropriation, nor dependent on the temper of the Legislature for its future welfare.

This Institution is the child of the State, and to the State it looks for encouragement and support. It is the great educational center of the State, and it is there the young men of the State, who seek to inform themselves in the higher branches of science, literature and arts, (and we hope to see agriculture and the sciences connected therewith, soon taught in the University,) may find an Institution at home, inferior to none in the country, where a *complete* education may be had. There the student, seeking to educate himself in law or medicine, may find competent instructors and an ample field for study, research and reflection.

The State may well be proud of what the University has already accomplished. What we ask now of your honorable body is to establish the University on a firm, permanent and independent financial basis. It is but little of the great resources of the State that we ask to be set apart for its University, and we humbly pray your honorable body that the petition in behalf of our Alma Mater may be granted.

E. P. EVANS, *Chairman*,
M. H. GOODRICH,
C. B. GRANT,
R. E. FRAZER,
J. Q. A. SESSIONS,

Committee.

On motion of Mr. P. D. Warner,
The Convention adjourned.

FORTY-NINTH DAY.

Lansing, Wednesday, July 24, 1867.

The Convention was called to order by the President at 9 o'clock A. M.

Prayer by Rev. Mr. Hickox.

Roll called: a quorum present.

PRESENTATION OF PETITIONS.

By Mr. Howard: petition of Levi Gillett, Rev. T. J. Joslyn, Edward Couse, Ira B. Gale, and 45 other legal voters of Atlas, Genesee county, for a prohibitory clause restricting the sale of intoxicating liquors.

Referred to the committee on intoxicating liquors.

By Mr. W. E. Warner: memorial of J. Knight Bailey and Mrs. Sada Bailey, of Adrian, asking the right of suffrage to be extended to women, and for other purposes.

So much of the petition as relates to suffrage was referred to the committee on elections.

So much as relates to education was referred to the committee on education.

So much as relates to the legislative department was referred to the committee on the legislative department.

So much as relates to crime was referred to the committee on crimes and punishments.

So much as relates to other subjects was referred to the committee on miscellaneous provisions.

By Mr. Lothrop: petition of L. Bonfoy, E. C. Walker, and fifteen other citizens of Detroit, in favor of a license law;

By the same: petition of John Martin, H. B. Wallister, and 58 other citizens of North Brownsville, Kent county, in favor of a license law.

The petitions were referred to the committee on intoxicating liquors.

REPORTS OF STANDING COMMITTEES.

By the committee on crimes and punishments:

The committee on crimes and punishments, to whom was referred the question of capital punishment,

Respectfully report that they have had the same under consideration, and have directed me to report the following section:

Sec. —. The Legislature shall provide by law for the punishment of murder of the first degree by death;

Recommending that the same be incorporated in Article —, entitled "Legislative Department," and ask to be discharged from the further consideration of the subject.

LYMAN D. NORRIS, *Chairman*.

Report accepted and committee discharged.

Mr. Pringle moved to lay the section on the table;

Which motion did not prevail.

On motion of Mr. Norris,

It was ordered that the report of the standing committee on crimes and punishments be considered and acted upon in connection with Article —, entitled "Legislative Department."

The President, being called away for the day, with the consent of the Convention, called the Hon. P. Dean Warner to the Chair, to preside during his absence.

MOTIONS AND RESOLUTIONS.

Mr. Luce moved to take from the table the article entitled "Counties;"

Which motion prevailed.

The question being on concurring in the amendments reported by the committee on counties, which amendments are as follows:

Add to section 8 the following:

"Incorporated villages containing not less than four thousand inhabitants, shall be entitled to one member of the board."

Amend section 11 so that it shall read as follows:

"The board of supervisors, or the board of county auditors in the county of Wayne, and in such other counties as the Legislature may provide for the election thereof, shall have power to prescribe the compensation due for all services rendered, and adjust all claims against their respective counties. And such determination and adjustment shall be subject to no appeal. All claims for service for which fees shall have been prescribed by

the Legislature, shall be audited and allowed by such board in accordance therewith. Supervisors and county auditors shall receive for their services such compensation as shall be prescribed by law."

Mr. T. G. Smith moved to amend the amendment to section 8, by striking out the words "four thousand," and inserting in place thereof the words "two thousand or more."

Mr. Pringle offered the following substitute for the amendment reported by the committee:

"And one or more additional representatives on the board may be allowed by the Legislature to townships containing not less than two thousand and five hundred inhabitants."

The amendment of Mr. T. G. Smith was withdrawn.

Mr. Blackman moved to amend the substitute by striking out the word "two," before the word "thousand," and inserting the word "three;"

Which was not agreed to.

Mr. Luce moved to amend the substitute by striking out the words "twenty-five hundred," and inserting in lieu thereof the words "three thousand;"

Which motion prevailed.

Mr. Duncan moved to amend the substitute by striking out the words "or more," in the first line;

Which motion was lost.

The question recurring on the substitute offered by Mr. Pringle, as amended,

It was adopted.

The amendment of the committee as amended by the substitute was then concurred in.

The question being on concurring in the substitute reported by the committee for section 11,

Mr. D. Goodwin moved to amend it by inserting after the word "fees," in the ninth line, the words "or compensation;"

Which was agreed to.

Mr. Conger moved to amend the substitute reported by the

committee by adding after the word "appeal," the words "except in special cases provided for by law;"

Mr. Conger demanded the yeas and nays;

The demand being supported, the amendment was adopted, the following being the vote thereon:

YEAS.

| | | |
|--------------|-------------|-----------------|
| Mr. Aldrich, | Mr. Harris, | Mr. Parsons, |
| Alexander, | Hull, | Rafter, |
| Bills, | Huston, | Richmond, |
| Birney, | Ingalls, | Sawyer, |
| Blackman, | Leach, | T. G. Smith, |
| Bradley, | Longyear, | Sutherland, |
| Chapin, | Lothrop, | Turner, |
| Chapman, | Lovell, | Utley, |
| Coolidge, | McClelland, | Van Riper, |
| Conger, | McConnell, | Van Valkenburg, |
| Crocker, | Miles, | W. E. Warner, |
| Daniells, | Morton, | Withey, |
| Ferris, | Ninde, | Williams, |
| D. Goodwin, | Norris, | Woodhouse, 42 |

NAYS.

| | | |
|----------------|----------------|----------------|
| Mr. Andrus, | Mr. Henderson, | Mr. Pringle, |
| Brown, | Hixson, | Sheldon, |
| Burtenshaw, | Holmes, | Stockwell, |
| Case, | Holt, | Thompson, |
| Divine, | Howard, | Tyler, |
| Duncan, | Kenney, | Walker, |
| Duncombe, | Lawrence, | P. D. Warner, |
| Estee, | Luce, | M. C. Watkins, |
| Farmer, | McKernan, | White, |
| Germain, | Miller, | Willard, |
| W. F. Goodwin, | Musgrave, | Winsor, |
| Hazen, | Pratt, | 35 |

The question being on the adoption of the substitute reported by the committee as amended,

Mr. Conger moved to amend section 11 of the article, by adding after the word "appeal," the words "except in special cases provided by law."

Mr. Blackman demanded the yeas and nays;

The demand was supported, and the amendment was not adopted, the following being the vote thereon:

YEAS.

Mr. Aldrich
Bills,
Birney,
Blackman,
Chapin,
Chapman,
Coolidge,
Conger,
Crocker,
Daniells,
D. Goodwin,

Mr. Harris,
Hull,
Huston,
Ingalls,
Leach,
Longyear,
Lothrop,
Lovell,
McClelland,
Miles,
Ninde,

Mr. Norris,
Parsons,
Rafter,
T. G. Smith,
Sutherland,
Turner,
Utiley,
Van Riper,
Withey,
Woodhouse,

32

NAYS.

Mr. Andrus,
Bradley,
Brown,
Burtch,
Burtenshaw,
Case,
Duncan,
Duncombe,
Elliott,
Estee,
Farmer,
Germain,
W. F. Goodwin,
Hazen,

Mr. Henderson,
Hixson,
Holmes,
Holt,
Howard,
Kenney,
Lawrence,
Luce,
McConnell,
McKernan,
Miller,
Musgrave,
Pratt,
Pringle,

Mr. J. Sawyer,
Sheldon,
Stockwell,
Thompson,
Tyler,
Walker,
P. D. Warner,
M. C. Watkins,
F. C. Watkins,
White,
Willard,
Winsor,
Williams,

41

On motion of Mr. T. G. Smith,

The Convention took a recess until 3 o'clock.

AFTERNOON SESSION.

3 o'clock P. M.

The Convention was called to order by the acting President,
Mr. P. D. Warner.

Roll called: a quorum present.

Mr. Morten asked and obtained leave of absence for Mr.
Corbin, for an indefinite time, on account of sickness.

The committee resumed the consideration of the article en-
titled "Counties."

The pending question being on the adoption of the substi-
tute reported by the committee on counties, as amended, for
section 11 of the article,

Mr. Utley demanded the yeas and nays.

Mr. Conger moved a call of the Convention.

A call being ordered, Messrs. Howard, and Van Valkenburgh were reported absent without leave.

Mr. Harris asked and obtained leave of absence for Mr. Van Valkenburgh for the afternoon, on account of indisposition.

The Sergeant-at-Arms announced Mr. Howard at the bar of the Convention.

On motion of Mr. Holt,

Mr. Howard was admitted within the bar, rendered an excuse, which was accepted, and took his seat.

On motion of Mr. Henderson,

All further proceedings under the call were dispensed with.

The demand of Mr. Utley for the yeas and nays on the pending substitute as amended, was supported, and it was not adopted, the following being the vote thereon:

YEAS.

Mr. Aldrich,
Alexander,
Bills,
Birney,
Blackman,
Chapin,
Coolidge,
Conger,
Crocker,
Daniells,
Ferris,
D. Goodwin,

Mr. Harris,
Hull,
Huston,
Ingalls,
Leach,
Longyear,
Lothrop,
Lovell,
McClelland,
Miles,
Morton,
Ninde,

Mr. Norris,
Parsons,
Rafter,
Richmond,
T. G. Smith,
Sutherland,
Turner,
Utley,
Van Riper,
W. E. Warner
Withey,

35

NAYS.

Mr. Andrus,
Bradley,
Brown,
Burtenshaw,
Case,
Chapman,
Divine,
Duncan,
Duncombe,
Elliott,
Estee,

Mr. Henderson,
Hixson,
Holmes,
Holt,
Howard,
Kenney,
Lawrence,
Luce,
McConnell,
McKernan,
Miller,

Mr. Root,
Sawyer,
Sheldon,
Stockwell,
Thompson,
Tyler,
Walker,
P. D. Warner
M. C. Watkins,
F. C. Watkins,
White,

Farmer,
 Germain,
 W. F. Goodwin,
 Hazen,

Musgrave,
 Pratt,
 Pringle,

Willard,
 Winsor,
 Williams,

43

Mr. Huston offered the following substitute for section 9, of the article:

Sec. 9. No county seat, once established, shall be removed until the place to which it proposed to be removed shall be designated by a two-third vote of the board of supervisors of the county, and a majority of the electors voting thereon, shall have voted in favor of the proposed location, in such manner as shall be prescribed by law.

Mr. Huston demanded the yeas and nays:

The demand was supported, and the substitute was not adopted, the following being the vote thereon:

YEAS.

Mr. Alexander,
 Bills,
 Case,
 Daniells,
 Elliott,
 Estee,
 Ferris,
 D. Goodwin,
 Holmes,

Mr. Howard,
 Huston,
 Ingalls,
 Lovell,
 Miller,
 Ninde,
 Norris,
 Pringle,
 Richmond,

Mr. T. G. Smith,
 Stoughton,
 Thompson,
 Tyler,
 P. D. Warner,
 W. E. Warner,
 F. C. Watkins,
 M. C. Watkins,

26

NAYS.

Mr. Aldrich,
 Andrus,
 Birney,
 Blackman,
 Bradley,
 Brown,
 Burtch,
 Burtenshaw,
 Chapin,
 Chapman,
 Coolidge,
 Conger,
 Crocker,
 Divine,
 Duncan,
 Duncombe,
 Farmer,

Mr. Germain,
 W. F. Goodwin,
 Harris,
 Hazen,
 Henderson,
 Hixson,
 Holt,
 Hull,
 Kenney,
 Lawrence,
 Leach,
 Lothrop,
 Luce,
 McConnell,
 McKernan,
 Miles,
 Morton,

Mr. Musgrave,
 Parsons,
 Pratt,
 Rafter,
 Root,
 Sawyer,
 Sheldon,
 Stockwell,
 Uteley,
 Van Riper,
 Walker,
 White,
 Willard,
 Winsor,
 Withey,
 Williams,
 Woodhouse,

51

Mr. Blackman moved that Mr. Woodhouse be excused from voting;

Which motion did not prevail.

Mr. Woodhouse then voted as recorded.

Mr. W. E. Warner moved that Mr. Morton be excused from voting;

Which motion did not prevail.

Mr. Morton then voted as recorded.

The article was referred to the committee on arrangement and phraseology, for correction and engrossment.

Mr. Sutherland moved to take from the table the following resolution:

Resolved, That the questions of electing or appointing the judges of courts of general jurisdiction, of prohibiting or granting licenses for the sale of intoxicating liquors, of extending or withholding the right of suffrage in respect to women and negroes, and of annual or biennial sessions of the Legislature, shall be separately submitted to the people; that to this end sections *pro* and *con*, upon those subjects, shall be settled by this Convention, and submitted as alternative, separately, from the body of the Constitution.

The motion was lost.

Mr. Miles offered the following resolution, which was adopted:

Resolved, That the committee on arrangement and phraseology be requested to take into consideration the propriety of arranging the articles entitled "Counties," "Townships," and "Cities and Villages," into one article entitled "Municipal Corporations."

Having reached the order of third reading of articles;

On motion of Mr. Pringle,

The articles on the order of third reading were laid on the table.

UNFINISHED BUSINESS.

The article entitled "Cities and Villages," being under consideration, and the question being on concurring in the amend-

ment made in committee of the whole to section 2 of the article;

Mr. Miles offered the following substitute therefor:

Sec. 2. The mayor and aldermen of cities, and the president and trustees of villages shall be elected, and all other officers, shall be elected or appointed at such time, and in such manner as the Legislature may direct;

Pending which,

On motion of Mr. Lawrence,

The Convention adjourned.

FIFTIETH DAY.

Lansing, Thursday, July 25, 1867.

The Convention was called to order by the President, at 9 o'clock A. M.

Prayer by Rev. Mr. Hickox.

Roll called: a quorum present.

Absent without leave, Messrs. Alexander and Kenney.

Mr. Yeomans asked and obtained leave of absence for Mr. Kenney, for an indefinite time, on account of sickness.

Mr. Aldrich asked and obtained leave of absence for Mr. Alexander, for an indefinite time, on account of sickness.

Mr. Turner asked and obtained leave of absence for himself, until Tuesday morning next.

Mr. Divine asked and obtained leave of absence, for an indefinite time.

MOTIONS AND RESOLUTIONS.

Mr. Ingalls offered the following preamble and resolution, which was laid on the table, and ordered printed in the journal:

RESOLUTION asking our Senators and Representatives in Congress to use their best efforts to procure an appropriation or grant to aid in the construction of a railroad from Detroit, in the State of Michigan, by way of the Straits of Mackinaw, and through the Upper Peninsula, to the head of Lake Superior, to intersect with or become a part of the Northern Pacific Railroad.

Whereas, The Upper Peninsula of Michigan is rich in nearly all the valuable minerals useful to man, and it is desirable to

open an avenue for their quick and cheap transportation to a market;

And whereas, The whole interior of the said Upper Peninsula is a wilderness without roads or railroads;

And whereas, A railroad running from Detroit, by way of the Straits of Mackinaw, and thence through the interior of the said Upper Peninsula, and to intersect the Northern Pacific Railroad at or near the head of Lake Superior, would open all said country to settlement, and afford the means of developing an amount of mineral wealth unequalled in richness in any other portion of the United States, as well also as open to settlement the northern counties of the Lower Peninsula, and afford a direct and cheap avenue for the transportation of the products of the vast iron and copper mines and marble quarries of the Upper Peninsula to a market;

And whereas, Owing to the geographical position of the Upper Peninsula, separated as it is from the Lower Peninsula by the waters of Green Bay, Lake Michigan and the Straits of Mackinaw, unless some railroad communication is opened by way of the Straits of Mackinaw—which is the only practical point for such connection—the wants of the separate localities will within a few years eventuate in a dismemberment of the State and the erection of a new State, a necessity for which would, by the construction of a railroad through the State by way of the Straits of Mackinaw, be greatly lessened;

And whereas, The construction of a railroad along the route above named and the Northern Pacific Railroad, would be a work of national importance; therefore,

Resolved, That our Senators and Representatives in Congress be requested to use their utmost lawful endeavors, at the next and succeeding sessions of Congress, to procure a suitable grant, either in land or bonds, or both, as the case may be, from the United States, to aid in the construction of a railroad from Detroit as aforesaid, by way of the Straits of Mackinaw to the head of Lake Superior; and that the Secretary of State be requested to forward copies of this resolution to each of our

Senators and Representatives in Congress] before the next session thereof.

Mr. Lovell offered the following resolution, which was adopted:

Resolved, That the Sergeant-at-Arms be requested to divide the members of the Convention into sections of eleven each, according to contiguity of the seats occupied by them, and that he cause the journals, debates and other documents which have been and may hereafter be forwarded to this Convention by the Constitutional Convention of New York, to be filed, and one set of each kept at the disposal of each section.

UNFINISHED BUSINESS.

The Convention resumed the consideration of the unfinished business, being on concurring in the amendments made by the committee of the whole to the article entitled "Cities and Villages."

The question being on the adoption of the substitute offered by Mr. Miles for section 2, as amended by the committee, which substitute is as follows:

Sec. 2. The mayor and aldermen of cities, and the president and trustees of villages shall be elected, and all other officers shall be elected or appointed at such time, and in such manner, as the Legislature may direct.

Pending the debate thereon,

On motion of Mr. F. C. Watkins,

The Convention took a recess until 3 o'clock.

AFTERNOON SESSION.

3 o'clock P. M.

The Convention was called to order by the President.

Roll called: a quorum present.

Mr. Van Valkenburgh, in behalf of the messengers of the Convention, presented the President with an illustrated Bible, accompanying the same with the following remarks:

MR. PRESIDENT—In behalf of the messengers of this Convention, I have the pleasure of presenting you with this Book, "the

Book of Books," as a testimonial of their high regard for you personally, and their appreciation of the faithful, diligent and impartial manner in which you discharge the onerous duties devolving upon you as President of this Convention. Gathered as we are here, from the various districts in this State, to revise the organic law, they thought this Book,—the foundation of all law,—an appropriate token of their regard for one who so well presides and so wisely guides the deliberations of this Convention. Accept this Book, sir, as a testimonial of their high regard, accompanied with our fervent prayers that it may prove to you, and to the loved ones who gather around your hearthstone,—that its blessed precepts may prove to us all,—a light to guide us through the conflicts of this life, to the better land where God's perfect law will be vindicated in the happiness of all who love and obey him.

The President made the following response:

For this expression of friendship and regard at the hands of my young friends, I return my unfeigned and sincere thanks. I trust that my own life may ever be guided by the sacred precepts of this volume, and may I not also hope that its divine injunctions may ever be the polar star, guiding the lives of these, my young friends.

I am proud of this gift, and I am proud of our messenger boys. I think I but express the sentiment of this Convention, when I say that for faithful application to duty, for courtesy, promptness and exemplary conduct, these boys have not been surpassed by any corps of messengers that have ever performed similar duties within the walls of this State House. I thank you, boys, not only for this gift, but for the excellent manner with which you have discharged the duties devolved upon you.

I shall cherish this Book. I shall ever remember the donors: With deep solicitude for their welfare, I shall watch their future in life. As years roll on, and the members of this Convention one by one pass away, and are gathered in the harvest of death—when the passions of the hour shall subside, and this nation one homogenous people from the lakes to the gulf, from ocean

to ocean, great, prosperous and free, shall stand as it has stood, the admiration and envy of the world—let us hope that these, our boys, in that day, may be among the loved, the honored and the noble men of this land.

Again thanking you, boys, with heartfelt gratitude for this expression of your esteem, assuring you of my best wishes for your welfare and prosperity, I accept the gift you have so kindly bestowed upon me.

The Convention resumed the consideration of the article entitled "Cities and Villages."

The pending question being on the adoption of the substitute of Mr. Miles, for the amendment made by the committee of the whole to section 2,

Mr. D. Goodwin demanded the yeas and nays;

The demand was supported, and the substitute of Mr. Miles was adopted, the following being the vote thereon:

YEAS.

| | | |
|--------------|----------------|-----------------|
| Mr. Aldrich, | Mr. Giddings, | Mr. Sawyer, |
| Andrus, | W. F. Goodwin, | Sheldon, |
| Barber, | Harris, | T. G. Smith, |
| Bills, | Hazen, | Stockwell, |
| Birney, | Henderson, | Tyler, |
| Bradley, | Holmes, | Utley, |
| Case, | Howard, | Van Riper, |
| Chapin, | Hull, | Van Valkenburg, |
| Coolidge, | Ingalls, | Walker, |
| Conger, | Leach, | P. D. Warner, |
| Daniells, | Longyear, | M. C. Watkins, |
| Divine, | Luce, | F. C. Watkins, |
| Duncan, | McConnell, | White, |
| Duncombe, | Miles, | Willard, |
| Elliott, | Mussey, | Withey, |
| Estee, | Musgrave, | Winans, |
| Farmer, | Parsons, | Woodhouse, |
| Ferris, | Pringle, | Yeomans, |
| Germain, | Root, | President, |

57

NAYS.

| | | |
|----------------|-------------|-------------|
| Mr. Alexander, | Mr. Huston, | Mr. Norris, |
| Blackman, | Lawrence, | Pratt, |
| Brown, | Lothrop, | Rafter, |
| Burtch, | Lovell, | Richmond, |

Burtenshaw,
Chapman,
Crocker,
D. Goodwin,
Hixson,

McClelland,
McKernan,
Miller,
Morton,
Ninde,

Sutherland,
Thompson,
W. E. Warner,
Winsor,

26

Mr. Williams moved to amend section one by striking out the word "regulate," in the second line, and inserting in lieu thereof the word "restrict."

Which was agreed to.

Mr. Williams moved to further amend section one, by adding to it the following:

"All laws passed pursuant to this section may be altered, amended or repealed;"

Which was not agreed to.

The Convention proceeded to the consideration of the Article entitled "Legislative Department."

The question being on concurring in the amendments made by the committee of the whole to the article, they were considered *seriatim*.

The question being on concurring in the first amendment to section 5,

It was concurred in.

The question being on concurring in the second amendment to section 5,

It was concurred in.

The question being on concurring in the first amendment to section 6,

It was concurred in.

The question being on concurring in the second amendment to section 6, to insert the word "common," before the word "schools,"

It was not concurred in.

The question being on concurring in the amendment to section 8, striking out the word "second," in the third line,

Mr. P. D. Warner demanded the yeas and nays;

The demand being supported, the amendment was not concurred in, the following being the vote thereon:

YEAS.

| | | |
|----------------|---------------|-----------------|
| Mr. Alexander, | Mr. Giddings, | Mr. Rafter, |
| Bills, | Howard, | Root, |
| Birney, | Ingalls, | T. G. Smith, |
| Burtch, | Lawrence, | Thompson, |
| Chapin, | Longyear, | Utley, |
| Chapman, | Lothrop, | Van Valkenburg, |
| Coolidge, | Lovell, | Willard, |
| Conger, | McKernan, | Winsor, |
| Crocker, | Miles, | Withey, |
| Daniells, | Morton, | Williams, |
| Estee, | Musgrave, | Woodhouse, |
| Farmer, | Parsons, | President, |
| Ferris, | Pratt, | |

38

NAYS.

| | | |
|----------------|-------------|----------------|
| Mr. Aldrich, | Mr. Harris, | Mr. Pringle, |
| Andrus, | Hazen, | Richmond, |
| Barber, | Henderson, | Sawyer, |
| Blackman, | Hirson, | Sheldon, |
| Bradley, | Holmes, | Stockwell, |
| Brown, | Hull, | Sutherland, |
| Burtenshaw, | Huston, | Tyler, |
| Case, | Leach, | Van Riper, |
| Divine, | Luce, | Walker, |
| Duncan, | McClelland, | P. D. Warner, |
| Duncombe, | McConnell, | W. E. Warner, |
| Elliott, | Miller, | M. C. Watkins, |
| Germain, | Mussey, | F. C. Watkins, |
| W. F. Goodwin, | Ninde, | White, |
| D. Goodwin, | Norris, | Yeomans, |

45

The question being on concurring in the action of the committee in transposing the clauses in section 9,

It was agreed to.

The question being on concurring in the amendments made by the committee to section 11,

They were concurred in.

The question being on concurring in the amendments made by the committee to section 12, striking out all after the word "Senate," in the first line, and inserting the words, "shall receive an annual salary of five hundred dollars, which shall be in full for his services as Lieutenant Governor and President of the Senate,"

They were not concurred in.

The question being on concurring in the first amendment to section 17,

Mr. Luce moved to strike out the words "appropriation bills," and insert in lieu thereof the words, "by a vote of two-thirds of the members elect;"

Which motion prevailed.

The amendment, as amended, was then adopted.

The question being on concurring in the second amendment, made by the committee to section 17, striking out the word "fifty," and inserting "forty," in lieu thereof,

It was not concurred in.

Mr. Alexander moved that the Convention adjourn;

Which motion did not prevail.

The question being on concurring in the amendment made by the committee to section 19,

It was concurred in.

The question being on concurring in the amendment made by the committee to section 20,

It was concurred in.

Pending the question of concurring in the amendment made by the committee to section 26,

On motion of Mr. Morton,

The Convention adjourned.

FIFTY-FIRST DAY.

Lansing, Friday, July 26, 1867.

The Convention was called to order by the President at 9 o'clock A. M.

Prayer by Rev. Mr. Weed.

Roll called: a quorum present.

Absent without leave, Mr. Longyear.

Mr. Miller asked and obtained leave of absence, for an indefinite time.

Mr. Woodhouse asked and obtained leave of absence for Mr. Longyear, for the day, on account of sickness.

Mr. Parsons asked and obtained leave of absence for himself, for an indefinite time, on account of sickness.

Mr. W. F. Goodwin asked and obtained leave of absence, after to-day, for an indefinite time.

Mr. Ferris asked and obtained leave of absence for himself, for to-morrow.

Mr. Musgrave asked and obtained leave of absence, until Wednesday next.

Mr. Burtch asked and obtained leave of absence, for an indefinite time.

Mr. Van Riper asked and obtained leave of absence, for an indefinite time.

Mr. White asked and obtained leave of absence, for an indefinite time.

Mr. Huston asked and obtained leave of absence for himself, for an indefinite time.

Mr. Morton asked and obtained leave of absence for himself, for an indefinite time, on account of sickness.

PRESENTATION OF PETITIONS.

By Mr. Ferris: petition of Mrs. J. H. Tompkins, Mr. R. C. Luce, E. R. Ellis, M. D., and Hon. B. A. Harlan, and 6 others, citizens of the city of Grand Rapids, praying for adult suffrage for men and women alike.

Referred to the committee on elections.

By Mr. Utley: petition of Thos. J. Owens, register of deeds, John Dazill, county clerk, E. O. Rose, prosecuting attorney, C. C. Fuller, circuit court commissioner, J. E. Escatt, sheriff, Z. W. Shepard, superintendent of schools, Charlie Gay, publisher of the *Pioneer*, F. H. Todd, Orrin Stevens, William Vanloo, B. E. Hutchinson, E. P. Clark and 53 other men, and Laura C. Aldrich, Elma L. Hutchinson, and 10 other women of Big Rapids, Mecosta county, in favor of the retention of the prohibitory clause in the Constitution.

Referred to the committee on intoxicating liquors.

By Mr. Corbin: petition of A. K. Nichols, Clark Jones, John Livingston, and 15 other legal voters of Monroe City, in favor

of retaining section 47, article 4, of the present Constitution, in the new one.

Referred to the committee on intoxicating liquors.

MOTIONS AND RESOLUTIONS.

Mr. Lothrop offered the following resolution:

Resolved, That this Convention will frame and submit to the people of this State, for their choice by a separate ballot thereon, two alternative constitutional provisions, in substance as follows:

1. A provision absolutely prohibiting all license for the sale of intoxicating liquors as a beverage.

2. A provision for the regulation of the sale of such liquors by tax, license or otherwise; authorizing any city or town, desiring so to do, to prohibit such sales within its limits; prohibiting all such sales to minors, paupers and common drunkards, and within any city or town on any day when a general or special election is held therein; and requiring that venders of such liquors shall pay an annual tax or license fee of not less than \$100.

On motion of Mr. Lothrop,

The resolution was laid on the table.

UNFINISHED BUSINESS.

The Convention resumed the consideration of the unfinished business.

The question being on concurring in the amendment made by the committee of the whole to section 26, of the article entitled "Counties," to wit; add to section 26 the following words: "The Legislature shall provide by general law for organizing townships, cities and villages, on such conditions and subject to such regulations as may be prescribed;"

It was not concurred in.

The action of the committee of the whole in striking out section 23 being under consideration,

Mr. Withey moved to amend section 23 by inserting the words "competent and responsible," in the fourth line, after the word "lowest;"

Which was agreed to.

Mr. Pringle moved to amend the section by striking out all after the word "contract," in the fourth line, to and including the word "contract," in the ninth line.

Mr. P. D. Warner moved to amend section 23, by inserting in line 5, after the word "thereof," the words "but no contract shall be awarded to the lowest bidder as herein provided, unless such bid shall be judged to be for the best interests of the State;"

Which motion was lost.

The question recurring on the amendment of Mr. Pringle,
It was not agreed to.

Mr. Blackman moved to amend the section by striking out in the ninth line the words "officers of this State," and inserting the words "State officers;"

Which was agreed to.

Mr. Morton moved to amend the section by striking out the words "Legislature or officers of the State," in the ninth line, and insert in lieu the words "Board of State Auditors;"

Which was agreed to.

Mr. Longyear moved to amend the section by striking out the word "departments," in the third line, after the word "executive," and insert in lieu thereof the words, "department and State officers;"

Which was agreed to.

Mr. Miles offered the following amendment to the section:

Amend section 23 by striking out all after the word "provide," in the first line, and inserting in place thereof as follows:
"by law that the furnishing of fuel and stationery for the use of the State, the printing and binding the laws and journals, all blanks, papers and printing for the executive department and State offices, and all other printing ordered by the Legislature, shall be let by contract to the lowest competent, responsible bidder or bidders, reserving the right to reject any or all bids, and shall prohibit all charges for constructive labor. No

member of the board of State auditors, or other State officers, shall be interested, directly or indirectly, in any such contract."

Mr. Richmond moved to amend the section by striking out the word "such," in the last line, and by adding at the end of the line, the words "with the State;

Which was agreed to.

The question then being on the amendment of Mr. Miles,
It was not agreed to.

The question recurring on concurring in the action of the committee in striking out section 23,

Mr. Blackman called for the yeas and nays;

The action of the committee was not concurred in, the following being the vote thereon:

YEAS.

Mr. Andrus,
Bills,
Daniells,
Farmer,
Giddings,

Mr. Holt,
Lawrence,
Mussey,
Pringle,

Mr. Root,
Sutherland,
Utley,
Willard,

13

NAYS.

Mr. Aldrich,
Alexander,
Barber,
Birney,
Blackman,
Bradley,
Brown,
Burtenshaw,
Case,
Chapin,
Chapman,
Coolidge,
Conger,
Corbin,
Crocker,
Duncan,
Duncombe,
Elliott,
Estee,
Ferris,
Germain,

Mr. Harris,
Hazen,
Henderson,
Hixson,
Holmes,
Howard,
Hull,
Huston,
Ingalls,
Leach,
Longyear,
Lothrop,
Lovell,
Luce,
McClelland,
McConnell,
McKernan,
Miles,
Miller,
Morton,
Ninde,

Mr. Pratt,
Rafter,
Richmond,
Sawyer,
Sheldon,
T. G. Smith,
Stockwell,
Thompson,
Tyler,
Van Riper,
Van Valkenburg,
Walker,
P. D. Warner,
W. E. Warner,
M. C. Watkins,
F. C. Watkins,
White,
Withey,
Williams,
Woodhouse,
Yeomans,

| | | | |
|----------------|----------|------------|----|
| W. F. Goodwin, | Norris, | President, | |
| D. Goodwin, | Parsons, | | 68 |

The question being on concurring in the first amendment made by the committee to section 27,

It was concurred in.

The question being on concurring in the second amendment made by the committee to section 27,

Mr. Pratt moved to amend the amendment by inserting after the word "credit," the words "or raise money by taxation;"

Which was agreed to.

Mr. Conger moved to amend the last clause of section 27, by inserting after the word, "vote," the words "of the electors of the county;" also, by striking out the words, "of the," before the word "city:"

Which was agreed to.

Mr. Burtenshaw offered the following amendment to the section:

Strike out the clause relating to the Upper Peninsula, and insert at the end of the section, the following words: "No county shall be authorized to pledge its credit, nor raise money by taxation for any such purpose, but counties in the Upper Peninsula, may be authorized to do so, subject to the restriction in this section, as to cities and townships."

The amendment was adopted.

The question being on concurring in the amendment made by the committee to section 28,

It was concurred in.

The question being on concurring in the amendment made by the committee to section 30,

Mr. Bradley moved to amend the same, by striking out all after the word "shall," in the last period, and inserting the words, "provide for religious exercises at the opening of its daily sessions;"

Which was agreed to.

Mr. Pringle moved to amend the amendment made by the committee, by striking out the word "but;"

Which was agreed to.

Pending the question on concurring in the amendment made by the committee of the whole to section 30, inserting after the word "seminary," the words, "or schools under denominational control,"

Mr. D. Goodwin moved that the Convention take a recess until 2½ o'clock.

Mr. Howard moved to amend the motion, by substituting 3, for 2½ o'clock;

Which was not agreed to.

The motion to take a recess was lost.

After further debate,

On motion of Mr. Alexander,

The Convention took a recess until 2½ o'clock P. M.

AFTERNOON SESSION.

2½ o'clock P. M.

The Convention was called to order by the President.

Roll called: a quorum present.

Mr. T. G. Smith asked and obtained leave absence until Tuesday next.

Mr. Ninde, by unanimous consent, submitted the following reports:

By the committee on arrangement and phraseology:

The committee on arrangement and phraseology to whom was referred the article entitled "Bill of Rights,"

Respectfully report that they have had the same under consideration, and have directed me to report that they have made some corrections therein, and they recommend that in the first line of section three the words "civil and religious" be restored, and they ask to be discharged from the further consideration of the subject.

T. NINDE, *Chairman.*

Report accepted and committee discharged.

The article was laid on the table, and ordered printed in the journal.

The Article is as follows:

ARTICLE ———.

BILL OF RIGHTS.

SECTION 1. All political power is inherent in the people. Government is instituted for the protection, security and benefit of the people; and they have the right to alter or reform the same whenever the public good may require it.

Sec. 2. *Every person shall be at liberty to worship God according to the dictates of his own conscience. No person shall be compelled to attend, erect or support any place of religious worship, or pay tithes, taxes or other rates, for the support of any minister of the gospel, or teacher of religion.*

Sec. 3. The [civil and religious] rights, privileges and capacities of [no] *person* shall be diminished or enlarged, on account of [his] opinions or belief concerning matters of religion.

Sec. 4. Every person may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press. In all prosecutions for libels, the truth may be given in evidence to the jury, and if it shall appear to the jury that the matter charged as libellous is true, and was published with good motives and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact.

Sec. 5. No bill of attainder, ex post facto law, or law impairing the obligation of contracts, shall be passed.

Sec. 6. The privilege of the writ of habeas corpus remains and shall not be suspended, [unless] in case of rebellion or invasion, the public safety may require it.

Sec. 7. The right of trial by jury shall remain, but shall be deemed to be waived in all civil cases, unless demanded by one of the parties, in such manner as shall be prescribed by law. The Legislature may authorize, in all civil and criminal cases, a trial by a jury of a less number than twelve men, in all courts not of record.

Sec. 8. In every criminal prosecution, the accused shall have the right to a speedy and public trial by an impartial jury, to be

informed of the accusation, to be confronted with witnesses against him, to have compulsory process for obtaining witnesses in his favor, and have the assistance of counsel for his defense.

Sec. 9. Any suitor in any court in this State shall have the right to prosecute or defend his suit, either in his own proper person, or by an attorney of his choice.

Sec. 10. The persons, houses, papers and possessions of every person shall be secure from unreasonable searches and seizures. No warrant to search any place, or to seize any person or thing, shall issue without describing them, nor without probable cause, supported by oath or affirmation.

Sec. 11. No person, after acquittal upon the merits, shall be tried for the same offense. All persons shall, before conviction, be bailable by sufficient sureties, except for murder and treason, when the proof is evident or the presumption great.

Sec. 12. Treason against the State shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless upon the testimony of two witnesses to the same overt act, or on confession in open court.

Sec. 12. Excessive bail shall not be required, excessive fines shall not be imposed, cruel or unusual punishments shall not be inflicted, nor shall witnesses be unreasonably detained.

Sec. 14. No person shall be compelled in any criminal case, to be a witness against himself, nor to be deprived of life, liberty or property without due process of law.

Sec. 15. No person shall be imprisoned for debt arising out of or founded on contract, express or implied, except in case of fraud or breach of trust, or of promise to marry or of moneys collected by public officers, or in any professional employment. No person shall be imprisoned for a militia fine in time of peace.

Sec. 17. Every person has a right to bear arms for the common defense.

Sec. 18. The military shall be in strict subordination to the civil power.

Sec. 19. No soldier shall, in time of peace, be quartered in any house without consent of the owner or occupant, nor in time of war, except in a manner prescribed by law.

Sec. 20. The people have the right peaceably to assemble together, to consult for the common good, to instruct their Representatives, and to petition the Legislature for redress of grievances.

Sec. 21. Neither slavery nor involuntary servitude, unless for the punishment of crime, shall ever be tolerated in this State.

Sec. 22. Aliens who are, or may hereafter become, bona-fide residents of this State, shall enjoy the same rights in respect to the possession, enjoyment and inheritance of property as native born citizens.

Sec. 23. *Private property shall not be taken for public use without just compensation.*

By the committee on arrangement and phraseology:

The committee on arrangement and phraseology, to whom was referred the article entitled "State Officers,"

Respectfully report that they have had the same under consideration, and have directed me to report that they have made some corrections therein, and they recommend that in the first line of the first section, the words "at each general biennial election," be restored, so that the section shall read, as originally reported, and they ask to be discharged from the further consideration of the subject.

T. NINDE, *Chairman.*

Report accepted and committee discharged.

The article was laid on the table for one day, and ordered printed in the journal.

ARTICLE —.

STATE OFFICERS.

SECTION 1. There shall be elected a Secretary of State, a State Treasurer, a Commissioner of the State Land Office, a Superintendent of Public Instruction, an Auditor General and an Attorney General, for the term of two years, each of whom shall keep his office at the seat of government, and shall perform such duties as may be prescribed by law.

Sec. 2. The term of office shall commence on the first day of January, one thousand eight hundred and sixty-nine, and of every second year thereafter.

Sec. 3. Whenever a vacancy shall occur in any of the State offices, the Governor shall fill the same by appointment, by and with the advice and consent of the Senate, if in session.

Sec. 4. The Secretary of State, State Treasurer, and Commissioner of the State Land office, shall constitute a Board of State Auditors, to examine and adjust claims against the State, *within such limits as shall be prescribed by law.* They shall also constitute a Board of State Canvassers, to determine the result of all elections for Governor, Lieutenant Governor, all State officers, and ⁷[of] such other [elections] as shall by law be referred to them.

The Convention resumed the consideration of the unfinished business.

The question being on concurring in the amendments made in committee of the whole to the first line of section 30, in inserting the words "or schools under denominational control," after the word "seminary;"

Mr. Huston demanded the previous question.

The demand was not sustained.

The question recurring on the amendment,

Mr. Utley demanded the yeas and nays;

The demand was supported and the amendment was concurred in, the following being the vote thereon:

YEAS.

| | | |
|--------------|--------------------|-------------|
| Mr. Aldrich, | Mr. W. F. Goodwin, | Mr. Mussey, |
| Alexander, | D. Goodwin, | Ninde, |
| Andrus, | Harris, | Norris, |
| Bills, | Hazen, | Parsons, |
| Birney, | Henderson, | Richmond, |
| Blackman, | Hixson, | Sawyer, |
| Brown, | Holmes, | Sheldon, |
| Burtenshaw, | Howard, | Stockwell, |
| Case, | Hull, | Tyler, |
| Chapin, | Huston, | Utley, |
| Coolidge, | Ingalls, | Van Riper, |
| Conger, | Lawrence, | Walker, |

Corbin,
Crocker,
Daniells,
Duncan,
Duncombe,
Estee,
Farmer,
Ferris,
Germain,

Lothrop,
Lovell,
McClelland,
McConnell,
McKernan,
Miles,
Miller,
Morton,

W. E. Warner,
M. C. Watkins,
F. C. Watkins,
White,
Winsor,
Withey,
Woodhouse,
Yeomans,

61

NAYS.

Mr. Bradley,
Chapman,
Elliott,
Luce,

Mr. Pratt,
Root,
T. G. Smith,
Thompson,

Mr. Van Valkenburg,
P. D. Warner,
Willard,
President, 12

Mr. Birney moved that the question of concurring in the amendment made to section 30 by the committee of the whole, be made the special order for one week from Wednesday next.

Mr. Henderson moved to amend the motion by making it the special order for Wednesday next;

Which motion prevailed.

The question recurring on the motion as amended,

Mr. Blackman demanded the yeas and nays;

The demand was supported, and the motion as amended was not adopted, the following being the vote thereon:

YEAS.

Mr. Birney,
Burtch,
Burtenshaw,
Chapman,
Coolidge,
Conger,
Corbin,
Crocker,
Daniells,
Ferris,
D. Goodwin,
Hixson,

Mr. Holmes,
Holt,
Huston,
Lawrence,
Lovell,
Luce,
McKernan,
Miles,
Morton,
Ninde,
Norris,

Mr. Parsons,
Pringle,
Rafter,
Richmond,
Sawyer,
T. G. Smith,
Van Valkenburg,
Winsor,
Withey,
Williams,
President,

34

NAYS.

Mr. Aldrich,
Alexander,
Andrus,
Barber,

Mr. W. F. Goodwin, Mr. Stockwell,
Harris,
Hazen,
Henderson,
Sutherland,
Thompson,
Tyler,

| | | |
|-----------|-------------|----------------|
| Bills, | Howard, | Utley, |
| Blackman, | Hull, | Van Riper, |
| Bradley, | Ingalls, | Walker, |
| Brown, | Leach, | P. D. Warner, |
| Case, | Lothrop, | W. E. Warner, |
| Chapin, | McClelland, | M. C. Watkins, |
| Duncan, | McConnell, | F. C. Watkins, |
| Duncombe, | Miller, | White, |
| Elliott, | Mussey, | Willard, |
| Esstee, | Pratt, | Woodhouse, |
| Farmer, | Root, | Yeomans, |
| Germain, | Sheldon, | |

47

The question being on concurring in the first amendment made by the committee to section 31,

It was concurred in.

The question being on concurring in the second amendment to the section,

Mr. Alexander moved to amend it by striking out the word "nor," where it first occurs in the amendment, and inserting in lieu the words, "the Legislature shall not."

Mr. Lothrop offered the following as a substitute for the amendment to the section," as reported by the committee of the whole:

At the election when this Constitution shall be submitted to the electors of this State for adoption or rejection, there shall also be separately submitted to such electors the two following provisions:

No. 1.

The Legislature shall not pass any act authorizing the grant of license for the sale of ardent spirits or intoxicating liquors, as a beverage.

No. 2.

The Legislature may provide for the regulation of the sale of spirituous or intoxicating liquors by tax, license, or otherwise.

It shall authorize any city or town desiring so to do, wholly to prohibit such sale within its limits, and shall pass laws to enforce such prohibition. No sale of such liquors to minors, paupers or common drunkards shall ever be authorized; nor shall any place for the sale of such liquors be permitted to be kept

open, or any such liquors sold therein, in any city or town, on any day when a general or special election is held in said city or town. The annual tax or license fee to be paid by venders of such liquors shall in no case be less than \$100.

A separate ballot upon each provision, may be given by any elector, which shall be deposited in a ballot-box provided for that purpose. On the ballots in favor of the adoption of the above provision No. 1, shall be the words, "Prohibition—Yes;" and upon the ballots in favor of the above provision No. 2, shall be the words, "License—Yes;" and upon the head or outside of all said ballots, shall be the words, "Prohibition or License," placed in such manner that the same shall be visible when the ballot is folded. If, upon the canvass of such ballots cast at said election, a majority thereof shall be found to contain the words, "Prohibition—Yes," then said provision No. 1, shall become and stand as section —, of Article —, of this Constitution, if it shall be adopted; but if a majority of such ballots shall contain the words, "License—Yes," then the above provision No. 2, shall become and stand as section —, of Article —, of this Constitution, if the same is adopted.

Mr. T. G. Smith moved that the further consideration of the article entitled "legislative department," be made the special order for Wednesday, the 31st day of July instant;

Which motion prevailed.

On motion of Mr. Morton,

The Convention adjourned.

FIFTY-SECOND DAY.

Lansing, Saturday, July 27, 1867.

The Convention was called to order by the President at 9 o'clock A. M.

Prayer by Rev. Mr. McIntire.

Roll called: a quorum present.

Mr. F. C. Watkins asked and obtained leave of absence for himself, until Monday next.

Mr. Howard asked and obtained leave of absence until Tuesday next.

Mr. Alexander asked and obtained leave of absence for Mr. Birney, for an indefinite time, on account of sickness.

Mr. Harris asked and obtained leave of absence for Mr. Van Valkenburgh and himself, for this afternoon.

Mr. Pringle asked and obtained leave of absence for to-day.

PRESENTATION OF PETITIONS.

By Mr. Hull: petition of H. Wetherbee, H. E. J. Clute, Chas. W. Fonda, and 16 other men, and Mary Hall, Mary R. Illenden, and 15 other women, citizens of St. Joseph county, praying for equal suffrage for both men and women.

Referred to the committee on elections.

On motion of Mr. Pringle,

The articles entitled "Bill of Rights," and "State Officers," with the amendments thereto, were taken from the order of third reading and laid on the table.

On motion of Mr. Utley,

The Convention went into committee of the whole on the general order,

Mr. Winsor in the chair.

IN COMMITTEE OF THE WHOLE.

The committee proceeded to the consideration of the article entitled "Education."

Section 3 being under consideration,

The question being on the amendment of Mr. Aldrich to the amendment of Mr. Van Valkenburg,

It was not adopted.

The question recurring on the motion of Mr. Van Valkenburgh to amend the section by striking out the word "four," in the second line, and inserting in lieu, the word "six;"

The motion was lost.

Mr. Stockwell moved to amend the section, by striking out, in line four, all after the word "funds," to and including the words "schools," in line five.

Mr. Alexander offered the following substitute for the amendment of Mr. Stockwell:

Strike out all of section 3 after the word "tuition," in the second line;

Which was ruled by the Chair not in order.

Mr. Withey offered the following amendment to the substitute of Mr. Huston:

"The Legislature shall provide for a system of primary schools, by which each school district in the State shall maintain a school free of charge for tuition, at least four months in the year. The instruction therein shall in all cases be in the English language."

After some debate,

Mr. Withey, by common consent, was permitted to modify his amendment so as to read as follows:

"The Legislature shall provide for a system of primary schools, by which a school shall be maintained in each school district in the State, free of charge for tuition, at least four months in the year. The instruction therein shall in all cases be in the English language."

After some further debate,

The question recurring on the amendment of Mr. Stockwell, It was adopted.

Mr. Farmer offered the following amendment to section 3 Strike out all after the word "year," in the second line, to, and including the word "fund," in the 4th line;

Which motion did not prevail.

Mr. Lovell moved that the committee rise, report progress, and ask leave to sit again;

Which motion was lost.

Mr. Blackman moved to amend section 3, in line one, by striking out the word "neglecting," and insert the words, "failing by its own neglect;"

Which motion did not prevail

Mr. Miles moved that the committee rise, report progress, and ask leave to sit again.

The motion prevailed.

IN CONVENTION.

The committee rose, and through the chairman, made the following report:

The committee of the whole have had under consideration Article —, entitled "Education;"

Have made some progress therein, but not having gone through therewith, have directed me to report that fact to the Convention, and ask leave to sit again.

RICHARD WINSOR, *Chairman*.

Report accepted and leave granted the committee to sit again.

Mr. Hixson moved that the Convention adjourn;

Which motion did not prevail.

On motion of Mr. Alexander,

The Convention took a recess until 3 o'clock P. M.

AFTERNOON SESSION.

2½ o'clock P. M.

The Convention was called to order by the President.

Roll called: a quorum present.

On motion of Mr. Lawrence,

The Convention went into committee of the whole on the general order,

Mr. Winsor in the chair.

IN COMMITTEE OF THE WHOLE.

The committee proceeded to the consideration of the article entitled "Education."

The question being on the amendment of Mr. Withey, to the substitute of Mr. Huston, for section 3,

Mr. Willard moved to amend section 3 by inserting after the word "shall," in the second line, the words "be enabled to;"

Which was agreed to.

Mr. Holt moved to further amend the section by inserting the word "conducted" in the fifth line, after the word "be;"

Which was adopted.

Mr. Sutherland moved to amend section 3 by striking out the first sentence, and inserting the following in lieu thereof:

Sec. 3. The Legislature shall provide by general laws for organizing primary school districts, and shall establish a system by which such district of like grades, whether now-existing or hereafter created shall possess uniform powers, and be governed by uniform regulations. The Legislature shall also provide for the levy of such taxes annually, on the taxable property of each township and city in the State, as shall enable each district to maintain a school free of charge for tuition at least four months in the year.

Mr. Leach offered the following amendment to the amendment of Mr. Sutherland:

Strike out the words "each township and city in the State," and insert in lieu the words, "the taxable property of the State;"

Which was agreed to.

The question recurring on the amendment of Mr. Sutherland as amended,

It was not adopted.

Mr. Leach offered the following amendment to the amendment of Mr. Withey:

"After the first day of January, eighteen hundred and seventy, no charge for tuition, except in the higher departments of graded schools, shall ever be made in the primary schools of this State. All *bona fide* residents of school districts, over five years of age, shall be permitted to attend the primary schools

therein. The instruction shall in all cases be conducted in the English language;"

Which was not agreed to.

The question recurring on the amendment of Mr. Withey to the substitute of Mr. Huston,

It was adopted.

Mr. Case moved to amend section 3, by adding the following thereto:

"The Legislature shall also provide for the regular attendance at a public or private school, for at least three months of every year, of every scholar between the ages of seven and fourteen years, whose health will permit such attendance;"

Which was not adopted.

The question recurring upon the adoption of the substitute of Mr. Huston, as amended, it was adopted.

Section 4 being under consideration,

Mr. Sheldon moved to strike out the words "such libraries," in the third line, and insert in lieu the words "primary schools;"

Which was not agreed to.

Mr. Utley moved that the committee rise, report progress, and ask leave to sit again;

Which motion prevailed.

IN CONVENTION.

The committee rose, and through the chairman, made the following report:

The committee of the whole have had under consideration Article —, entitled "Education;"

Have made some progress therein, but not having gone through therewith, have directed me to report that fact to the Convention, and ask leave to sit again.

RICHARD WINSOR, *Chairman.*

Report accepted and leave granted the committee to sit again.

On motion of Mr. Henderson,

The Convention adjourned.

FIFTY-THIRD DAY.

Lansing, Monday, July 29, 1867.

The Convention was called to order by the President at 9 o'clock A. M.

Prayer by Rev. Mr. McIntire.

Roll called: a quorum present.

Mr. Burtenshaw asked and obtained leave of absence for Mr. McKernan, for the day, and for himself for an indefinite time.

Mr. M. C. Watkins asked and obtained leave of absence, for an indefinite time.

Mr. Williams asked and obtained leave of absence for Mr. Walker, during the day.

MOTIONS AND RESOLUTIONS.

Mr. Ingalls moved to take from the table the resolution offered by himself on Thursday last;

Which motion prevailed.

Mr. Leach moved to amend the resolution by inserting after the word "Superior," in the seventh line, as published in the journal, the following:

"*Provided*, That if a grant of land be obtained, said land shall not be withdrawn from market, but shall remain subject to sale, the avails to be appropriated to the purpose for which the grant is made."

Also strike out the word "and," in the seventh line, and insert the word "resolved," so as to make the latter clause a distinct resolution.

The amendment to the resolution was accepted.

Mr. Giddings moved that the resolution as amended be laid upon the table;

Which was agreed to.

On motion of Mr. Alexander,

The Convention went into committee of the whole on the general order,

Mr. Winsor in the chair.

IN COMMITTEE OF THE WHOLE.

The committee resumed the consideration of the article entitled "Education."

Section 4 being under consideration,

Mr. Stockwell offered the following amendment to the section:

Strike out the word "shall," in the first and third lines, and insert in lieu thereof the word "may;" also, strike out the word "exclusively," in the third line.

A division being called for, the first clause of the amendment was not agreed to.

The question being on the second clause of the amendment, It was not agreed to.

Mr. P. D. Warner offered the following substitute for the section:

Sec. 4. The Legislature shall provide for the establishment of township and city libraries.

Mr. Crocker moved to amend section 4, by striking out the article "a," in the first line, and inserting the words "at least one," and by striking out all of said section after the the word "city," where it first occurs in the second line, so that the section will read:

Sec. 4. The Legislature shall also provide for the establishment of at least one library in each township and city.

Mr. W. E. Warner moved to amend the amendment by striking out "a," in the first line, and "exclusively," in the third line, and inserting in the first line the words "and maintainance," after the word "establishment," and the words "at least one," in the same line, so that the section shall read as follows:

Sec. 4. The Legislature shall also provide for the establishment and maintainance of at least one library in each township and city; and all fines assessed and collected in the several counties, townships and cities for any breach of the penal laws, shall be applied to the support of such libraries, except in cases wherein the electors of any such township, voting thereon, shall otherwise direct;

Which was not agreed to.

The question recurring on the motion of Mr. Crocker,

Mr. Case called for a division of the question.

The first clause of the amendment was not agreed to.

The second clause of the amendment was agreed to.

The substitute for the section offered by Mr. P. D. Warner was withdrawn.

Mr. Conger moved to amend the section by inserting the words "and maintainance," after the word "establishment," in the first line;

Which was agreed to.

Mr. Withey moved to amend the section by inserting before the word "city," in the second line, the words "at least one in each;"

Which was agreed to.

Mr. Lothrop moved to amend the section by adding after the word "city," in the second line, the following:

"Provided, That the public school libraries of the cities of Detroit, Port Huron and Adrian, shall remain under the care and management of the board of education of such city; and all fines assessed and collected in said city for any breach of the penal laws, shall be paid over to said boards for the use and support of said library."

Mr. Root moved that section 4 be stricken out;

Which motion prevailed.

Mr. Withey moved to reconsider the vote by which the section was stricken out;

Which motion was lost.

Section 5 being under consideration,

Mr. Miles moved to amend it by striking out of the second and third lines the words "on the day of the annual township election;"

Which motion was lost.

Mr. Lovell moved to amend section 5 by striking out the word "electors." from the first line, and inserting after the word "University," the words, "who shall be appointed by the

Governor, by and with the advice and consent of the Senate." Also, strike out the word "electors," in the second line, and insert in place of it the word "appointed." Also, strike out the words "on the day of the annual township election;"

Which motion was not agreed to.

Section 7 being under consideration,

Mr. Giddings moved to add at the end of the section the words "under such regulations and restrictions as may be provided by law;"

Which motion was lost.

Section 9 being under consideration.

Mr. Lovell moved to amend it by striking out of the first and second lines the words, "and may make the same a department of the University;"

Which motion prevailed.

Mr. Giddings moved to amend the section by striking out of the first line the words "support and maintain," and inserting in lieu "provide for the support and maintenance;"

Which motion prevailed.

Mr. Pringle moved to amend the section by striking out the word "an," in the first line, and inserting the words "of the;"

Which was agreed to.

Mr. Yeomans moved to amend section 11 as follows:

Strike out the word "State," in the first line, and insert "county where the land lies;"

Which motion was lost.

Mr. Richmond offered the following to stand as a new section:

Sec. —. There shall be assessed upon the taxable property of the State, and raised by tax annually, the sum of one-twentieth of a mill on each dollar of the assessed valuation thereof, for the use, aid and maintenance of the University;

Which was not adopted.

Amendments to the body of the article being in order,

Mr. D. Goodwin moved to amend section 5, by striking out the last clause thereof;

Which was agreed to.

Mr. Utley offered the following new section, to stand as section 10.

Sec. 10. The Legislature may provide for the establishment and maintenance, in each of the present congressional districts of this State, except the third, of a normal school for the education of teachers, to be constructed and controlled in the same manner, as near as may be, as that now established in the city of Ypsilanti. Such Normal Schools may be established in connection with colleges or seminaries of learning, now or hereafter to be established; but the direction and control of such schools, shall be at all times entrusted to the State Board of Education;

Which was not adopted.

Mr. Lovell moved that the committee rise, report the article back to the Convention, asking concurrence in the amendments made thereto, and that the article as amended, do pass, and ask to be discharged from the further consideration of the subject;

Which motion prevailed.

IN CONVENTION.

The committee, through the chairman, made the following report:

The committee of the whole have had under consideration Article —, entitled "Education;"

Have made sundry amendments thereto, and have directed their chairman to report the same back to the Convention, asking concurrence therein, and recommend its passage.

R. WINSOR, *Chairman*.

Report accepted and committee discharged.

On motion of Mr. Pringle,

The article was laid on the table, ordered printed, as amended, in the journal, and is as follows:

ARTICLE —.

EDUCATION.

SECTION 1. Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.

Sec. 2. Institutions for the benefit of those inhabitants who are deaf, dumb, blind or insane shall always be fostered and supported.

Sec. 3. *The Legislature shall provide for a system of primary schools, by which a school shall be maintained in each school district in the State, free of charge for tuition, at least four months in the year. The instruction shall in all cases be in the English language.*

Sec. 4. There shall be elected eight Regents of the University, whose term of office shall be eight years, two of whom shall be elected every second year, on the day of the annual township election, so as to succeed the Regents now in office, as their several terms shall expire. When a vacancy shall occur in the office of Regent, it shall be filled by appointment by the Governor.

Sec. 5. The Regents of the University and their successors in office shall continue to constitute the body corporate, known by the name and title of "the Regents of the University of Michigan."

Sec. 6. The Regents of the University shall, as often as necessary, elect a President of the University, who shall be *ex officio* a member of their board, with the privilege of speaking but not of voting. He shall preside at the meetings of the Regents, and be the principal executive officer of the University. The Board of Regents shall have the general supervision of the University and the direction and control of all expenditures from the University interest fund.

Sec. 7. There shall be elected three members of a State Board of Education, whose term of office shall be six years, one of whom shall be elected in every second year, at the time of the election of Regents of the University. They shall enter

upon the duties of their office on the first day of January next succeeding their election. The Superintendent of Public Instruction shall be *ex officio* a member and Secretary of such board. The board shall have the general supervision of the State Normal School, and their duties shall be prescribed by law.

Sec. 8. The Legislature shall *provide for the support and maintenance of the Agricultural College*, for instruction in agriculture, and the natural sciences connected therewith.

Sec. 9. The proceeds from the sale of all lands that have been or may hereafter be granted by the United States to the State for educational purposes, and the proceeds of all lands or other property given by individuals, or appropriated by the State for like purposes, shall be and remain a perpetual fund, the interest and income of which, together with the rents of all such lands as may remain unsold, shall be inviolably appropriated and annually applied to the specific objects of the original gift, grant or appropriation.

Sec. 10. All lands, the title of which shall fail from a defect of heirs, shall escheat to the State; and the interest on the clear proceeds from the sale thereof, shall be appropriated exclusively to the support of primary schools.

The President, by unanimous consent, announced the following communication:

UNIVERSITY OF MICHIGAN, }
Ann Arbor, July 26, 1867. }

HON. C. M. CROSWELL, *President of the Constitutional Convention:*

DEAR SIR—A letter from the Secretary of the Constitutional Convention, to J. H. Burleson, Esq., Secretary of the Board of Regents of the University, containing the resolution of inquiry adopted by the Convention, has been handed to me, as the Secretary is now absent from home. I am not able to give an exact reply, as it would require a more careful study of the accounts than I am able now to make, but I hope that the following general statement will be satisfactory till Mr. Burleson shall return.

The annual receipts of the University from the State Treasurer, being interest on the proceeds of lands sold, is in round

numbers, about \$37,000. The amount received from students fees for the year just closed, is \$19,105. Besides this, the University has a "Reserve Fund," of about \$15,000, bearing interest, which it is designed to increase to \$20,000, to replace that amount already received from the sale of a lot of land in Detroit, which was conveyed to the University by deed of the Governor and Judges of the Territory of Michigan, and the proceeds of which have been expended for buildings.

The University received from a land company in Ann Arbor, the site of forty acres, on which it is located. It has also received from the State a release from an obligation to pay interest on \$100,000, borrowed from the State for buildings.

The University has also received, from citizens of Detroit, private subscriptions amounting to about \$10,000, for the establishment of the Observatory.

It has received from the city of Ann Arbor, for the same purpose, \$5,000. Also from the city of Ann Arbor, for the enlargement of the Medical building, \$10,000.

The other donations have been inconsiderable in amount, and have mostly gone into the Museum and Libraries.

As it regards the receipts from students's fees, I am able to give you an analysis of them for the year just ending, as follows:

| | |
|---|---------|
| Amount received from Michigan students, | \$3,745 |
| Amount received from other States, | 15,360 |

Michigan students have been charged fifteen dollars the first year, and five dollars a year thereafter. Other students have been charged twenty-five dollars the first year, and five dollars a year thereafter.

Hereafter, Michigan students will be charged twenty dollars the first year, and ten dollars a year thereafter. Other students will be charged thirty-five dollars the first year, and ten dollars a year thereafter.

The University is largely indebted to the fees received from

students from other States. Indeed, without them, the Medical and Law departments could not possibly be sustained.

With great respect, I have the honor to be,

Yours, very truly,

E. O. HAVEN,

Pres. University of Mich.

The communication was laid on the table and ordered printed in the journal.

On motion of Mr. Chapin,

The Convention took a recess until 2½ o'clock P. M.

AFTERNOON SESSION.

2½ o'clock P. M.

The Convention was called to order by the President.

Roll called: a quorum present.

Mr. Brown asked and obtained leave of absence for an indefinite time.

On motion of Mr. Aldrich,

The Convention went into committee of the whole on the general order,

Mr. Bills in the chair.

IN CONVENTION.

The Convention proceeded to the consideration of the article entitled "Judicial Department."

The article was read by the Secretary.

Section two being under consideration,

Mr. P. D. Warner moved to amend it, by striking out in line two, the words, "one additional," and by striking out "five," in same line, and inserting "four," and by attaching the letter "s," to the word "judge," in the second line."

After some debate the amendment was withdrawn.

Section 3 being under consideration,

Mr. Daniells moved to amend it by striking out of line two, the words, "and tribunal;"

Which motion was lost.

Mr. Crocker moved to amend section 3, in the 4th line, by striking out the word "original," and inserting in the place thereof, the word, "concurrent;" and by inserting in the 5th line, after the word "and," the words, "original jurisdiction in all," so that the said section shall read:

Sec. 3. The Supreme Court shall have a general superintending control over all other courts and tribunals, and also such appellate jurisdiction as shall be provided by law, and to that end may issue writs of error, certiorari, mandamus, procedendo, prohibition, and all other appropriate writs and process. It shall also have concurrent jurisdiction in cases of mandamus, habeas corpus, proceedings in the case of quo warranto, and original jurisdiction in all proceedings by scire-facias to vacate letters patent. It shall have such jurisdiction of questions reserved as shall be provided by law. Its jurisdiction, in all cases, not embraced in this article, shall be appellate only.

The amendment was not adopted.

Section 4 being under consideration,

Mr. Pringle moved to amend it, by striking out all after the word "aannually," in the first line.

After some debate, the amendment was withdrawn.

Mr. D. Goodwin moved to amend the section, by striking out of lines one and two, the words, "one in each of the four judicial districts of the Lower Peninsula;"

Which was subsequently withdrwn.

Section 6 being under consideration,

Mr. Pringle moved to strike out all after the word "qualified," in the 7th line;

Which was subsequently withdrawn.

Mr. Withey moved to amend the section, by striking out of line 5, all after the word "judge," to and including the word "formed," in the 6th line;

Which motion was lost.

Section 8 being under consideration,

Mr. Ingalls moved to amend it by striking out all down to, and including the word "law," in the third line;

Which was not agreed to.

Mr. D. Goodwin offered the following substitute for sections 6 and 7:

"The State shall be divided into fourteen Judicial Circuits, in each of which the electors shall elect one Circuit Judge, who shall hold his office for the term of eight years, and until his successor is elected and qualified.

"The Legislature may alter the limits of Circuits, or increase the number of the same. No alteration or increase shall have the effect to remove a Judge from office. In every additional Circuit established, the Judge shall be elected by the electors of such Circuit, and his term of office shall continue as provided in this Constitution for Judges of the Circuit Court. Judges of the Circuit Court may hold courts for each other, and shall do so when required by law. The Legislature may provide for holding a term or terms of the Circuit Court by a Judge of the Supreme Court."

The substitute was not adopted.

Section 9 being under consideration,

Mr. Conger moved to amend the section, by inserting in the 4th line, before the word "power," the words, "original jurisdiction, and;"

Also, in the 6th line, strike out the words, "give them," and insert "shall have."

After some debate, the amendment was withdrawn.

Mr. Crocker moved to amend section 9, in the 4th line, by striking out the word "power," and inserting the words, "concurrent jurisdiction with the Supreme Court;" and by inserting in the 5th line, after the word "and," and before the word "other," the words, "power to issue all such," so that said section 9 will read—

"Section 9. The circuit court shall have original jurisdiction in all matters, civil and criminal, not excepted in this Constitu-

tion, and not prohibited by law; and such appellate jurisdiction from all inferior courts and tribunals as shall be provided by law, and supervisory control of the same. They shall have concurrent jurisdiction with the supreme court, to issue writs of mandamus, injunction, quo warranto and certiorari, and power to issue all such other writs necessary to carry into effect their orders, judgments and decrees, and give them general control over inferior courts and tribunals, within their respective jurisdiction;"

Which was not agreed to.

Mr. McClelland moved to amend section 10, by striking out all after the word "seal," in the second line;

Which motion prevailed.

Mr. Conger offered the following substitute for section 11:

"There shall be elected in each county, one or more Circuit Court Commissioners, who shall be vested with such judicial and ministerial powers and duties as shall be prescribed by law;"

Pending which,

Mr. Alexander moved that the committee rise, report progress, and ask leave to sit again.

The motion prevailed.

IN CONVENTION.

The committee, through the chairman, submitted the following report:

The committee of the whole have had under consideration Article —, entitled "Judicial Department;"

Have made some progress therein, but not having gone through therewith, have directed me to report that fact to the Convention, and ask leave to sit again.

PERLEY BILLS, *Chairman.*

Report accepted, and leave granted the committee to sit again.

On motion of Mr. Stockwell,

The Convention adjourned.

FIFTY-FOURTH DAY.

Lansing, Tuesday, July 30, 1867,

The Convention was called to order by the President, at 9 o'clock A. M.

Prayer by Rev. Mr. Banwell.

Roll called: a quorum present.

Mr. Coolidge asked and obtained leave of absence for Mr. Farmer, for an indefinite time, on account of sickness in his family.

Mr. Richmond asked and obtained leave of absence for Mr. Norris, for the day.

Mr. Utley asked and obtained leave of absence, for an indefinite time.

REPORTS OF STANDING COMMITTEES.

By the committee on miscellaneous provisions:

The committee on miscellaneous provisions, to whom was referred article 18 of the present Constitution,

Respectfully report that they have had the same under consideration, and have directed me to report an article entitled "Article — Miscellaneous Provisions," recommending that the same do pass, and ask to be discharged from the further consideration of the subject.

W. B. WILLIAMS, *Chairman.*

Report accepted and committee discharged.

The article was read a first and second time by its title, ordered printed, placed on the general order, and referred to the committee of the whole.

MOTIONS AND RESOLUTIONS.

On motion of Mr. Ingalls,

The preamble and resolution offered by him on Thursday last, as modified by the amendment of Mr. Leach, was taken from the table, which preamble and resolution are as follows:

Whereas, The Upper Peninsula of Michigan is rich in nearly all the valuable minerals useful to man, and it is desirable to open an avenue for their quick and cheap transportation to a market;

And whereas, The whole interior of the said Upper Peninsula is a wilderness without roads or railroads;

And whereas, A railroad running from Detroit, by way of the Straits of Mackinaw, and thence through the interior of the said Upper Peninsula, and to intersect the Northern Pacific Railroad at or near the head of Lake Superior, would open all said country to settlement, and afford the means of developing an amount of mineral wealth unequalled in richness in any other portion of the United States, as well also as open to settlement the northern counties of the Lower Peninsula, and afford a direct and cheap avenue for the transportation of the products of the vast iron and copper mines and marble quarries of the Upper Peninsula to a market;

And whereas, Owing to the geographical position of the Upper Peninsula, separated as it is from the Lower Peninsula by the waters of Green Bay, Lake Michigan and the Straits of Mackinaw, unless some railroad communication is opened by way of the Straits of Mackinaw—which is the only practical point for such connection—the wants of the separate localities will within a few years eventuate in a dismemberment of the State and the erection of a new State, a necessity for which would, by the construction of a railroad through the State by way of the Straits of Mackinaw, be greatly lessened;

And whereas, The construction of a railroad along the route above named and the Northern Pacific Railroad, would be a work of national importance; therefore,

Resolved, That our Senators and Representatives in Congress be requested to use their utmost lawful endeavors, at the next and succeeding sessions of Congress, to procure a suitable grant, either in land or bonds, or both, as the case may be, from the United States, to aid in the construction of a railroad from Detroit as aforesaid, by way of the Straits of Mackinaw to the head of Lake Superior: *Provided,* That if a grant of land be obtained, said land shall not be withdrawn from the market, but shall remain subject to sale, the avails to be appropriated to the purpose for which the grant is made.

Resolved, That the Secretary of State be requested to forward copies of this resolution to each of our Senators and Representatives in Congress before the next session thereof.

Mr. McClelland moved to amend the resolution by striking out the word "either," before the words, "in land," and the words "or bonds, or both, as the case may be."

Mr. Conger demanded the yeas and nays;

The demand was supported, and the amendment was lost, the following being the vote thereon:

YEAS.

| | | |
|---|---|--|
| Mr. Aldrich, Alexander, Chapman, Corbin, | Mr. Crocker, Hixson, Lawrence, McClelland, | Mr. Richmond, W. A. Smith, Winans, |
|---|---|--|

11

NAYS.

| | | |
|--|--|---|
| Mr. Andrus, Barber, Bills, Bradley, Case, Chapin, Conger, Daniells, Duncan, Duncombe, Elliott, Estee, Ferris, Germain, Harris, Hazen, Henderson, | Mr. Holmes, Holt, Hull, Ingalls, Leach, Longyear, Lovell, Luce, McKernan, Miles, Murray, Mussey, Pringle, Rafter, Root, Sawyer, | Mr. Sheldon, T. G. Smith, Stockwell, Stoughton, Turner, Tyler, Utley, Van Valkenburg, Walker, P. D. Warner, F. C. Watkins, Willard, Williams, Woodhouse, Yeomans, President, |
|--|--|---|

49

The question recurring on the adoption of the resolution,

Mr. Ingalls demanded the yeas and nays;

The demand was supported, and the resolution was adopted, the following being the vote thereon:

YEAS.

| | | |
|--|--|--|
| Mr. Aldrich, Alexander, Andrus, Barber, | Mr. Hixson, Holmes, Holt, Hull, | Mr. T. G. Smith, W. A. Smith, Stockwell, Stoughton, |
|--|--|--|

| | | |
|-------------|-----------|-----------------|
| Bills, | Ingalls, | Sutherland, |
| Bradley, | Lawrence, | Thompson, |
| Case, | Leach, | Turner, |
| Chapin, | Longyear, | Tyler, |
| Chapman, | Lothrop, | Utley, |
| Coolidge, | Lovell, | Van Valkenburg, |
| Conger, | Luce, | Walker, |
| Corbin, | McKernan, | P. D. Warner, |
| Crocker, | Miles, | W. E. Warner, |
| Daniells, | Murray, | F. C. Watkins, |
| Duncan, | Mussey, | Willard, |
| Duncombe, | Pringle, | Winans, |
| Elliott, | Rafter, | Withey, |
| Estee, | Richmond, | Williams, |
| Germain, | Root, | Woodhouse, |
| D. Goodwin, | Sawyer, | Yeomans, |
| Harris, | Sheldon, | President, |
| Henderson, | | |

64

NAYS.

Mr. Blackman, Mr. Giddings, Mr. McClelland, 3
 Mr. Daniells moved that Mr. Blackman be excused from
 voting;

Which motion prevailed.

Mr. Blackman not wishing to be excused, then voted as re-
 corded.

The question being on adopting the preamble,

Mr. Alexander demanded the previous question.

The demand was not sustained.

Mr. Withey moved to amend the preamble, by striking out of
 the fourth line, fourth paragraph, the word, "unless;" also, by
 inserting in the same line, before the word "opened," the
 words, "required to be;" also, by striking out all after the
 word "connection," in the sixth line;

Which motion prevailed.

Mr. Richmond moved that the preamble be stricken out;

Which motion was lost.

The preamble as amended, was then adopted.

On motion of Mr. Rafter,

The Convention went into committee of the whole on the
 general order,

Mr. Bills in the chair.

IN COMMITTEE OF THE WHOLE.

The committee proceeded to the consideration of the article entitled "Judicial Department."

The question being on the adoption of the substitute offered by Mr. Conger, for section 11, which substitute is as follows:

"There shall be elected in each county, one or more Circuit Court Commissioners, who shall be vested with such judicial and ministerial powers and duties as shall be prescribed by law."

Mr. Pringle moved to amend the section by striking out all after the word "the," in the 1st line, and inserting in the place of the word stricken out, the following: "Judges of the circuit courts, in the several districts shall appoint one or more persons residing in each county, in their districts, who shall be vested with such judicial and ministerial powers as shall be provided by law. The said judges shall have power to remove the said persons from office."

After some debate, the amendment was withdrawn.

The question recurring on the adoption of the substitute for section 11, offered by Mr. Conger,

It was not adopted.

Section 14 being under consideration,

Mr. Wright offered the following substitute therefor:

"The clerk of the circuit court of each county, shall be appointed by the judge of such court, and shall hold his office during the term for which such judge is elected. The judges of the circuit court, within their respective jurisdiction, may fill vacancies in the office of prosecuting attorney."

Mr. Crocker moved to amend section 14 by inserting after the word "county," in the second line, the words, "and register of the circuit court in chancery," so said section will read:

Sec. 14. The clerk of each county organized for judicial purposes, shall be clerk of the circuit court of such county, and register of the circuit court in chancery for such county. The judges of the circuit courts within their respective jurisdiction

may fill vacancies in the offices of county clerk and prosecuting attorney;

Which motion was lost.

The question recurring on the substitute for the section,

Mr. Mussey called for a division of the question.

The question being on striking out the original section,

It was not agreed to.

Section 16 being under consideration,

Mr. Pringle moved to amend it by striking out of the first line the words "judicial office, except that of;"

Which was subsequently withdrawn.

Mr. Stockwell moved to amend the section by inserting after the word "of," in the first line, the words "judge of probate or;"

Which motion prevailed.

Mr. Henderson moved that section 16 be stricken out;

Which motion prevailed.

Section 17 being under consideration,

Mr. Van Valkenburgh moved to strike out of the second and third lines, the words, "other jurisdiction, civil and criminal, may also be conferred on any one or more courts of probate;"

Which, after some debate, was withdrawn.

Mr. Croswell offered the following as an additional section, which was adopted:

Sec. —. Two-thirds of each House of the Legislature may require the opinion of the Supreme Court upon important questions of constitutional law.

Mr. Croswell offered the following to stand as a new section:

Sec. —. The Legislature may provide in civil cases, that the agreement of three-fourths of the persons composing a jury, shall be sufficient for a verdict, and such agreement shall have the same effect as a verdict by the whole jury;

Which was not adopted.

Mr. Stoughton offered the following to stand as a new section:

Sec. —. The Legislature may provide for the appointment of a stenographic reporter for each circuit court;

Which was not adopted.

Mr. P. D. Warner moved that the committee rise, report the article back to the Convention, asking concurrence in the amendments made thereto, and that the article when so amended, do pass, and ask to be discharged from the further consideration of the subject;

Which motion prevailed.

IN CONVENTION.

The committee rose, and through the chairman, made the following report:

The committee of the whole have had under consideration Article —, entitled “Judicial Department;”

Have made sundry amendments thereto, and have directed their chairman to report the same back to the Convention, asking concurrence therein, and recommend its passage.

PERLEY BILLS, *Chairman*.

Report accepted and committee discharged.

On motion of Mr. McKernan,

The Convention took a recess until 2½ o'clock.

AFTERNOON SESSION.

2½ o'clock P. M.

The Convention was called to order by the President.

Roll called: a quorum present.

The Convention took up the unfinished business.

The question being on concurring in the amendments made to the article entitled “Judicial Department,”

On motion of Mr. Pringle,

The article as amended in committee of the whole was laid on the table and ordered printed in the journal, and is as follows:

ARTICLE —

JUDICIAL DEPARTMENT.

SECTION 1. The judicial power shall be vested in a Supreme Court, in circuit courts, probate courts, justices of the peace, and in such other courts and tribunals as shall be authorized by law.

Sec. 2. The Supreme Court is continued subject to the provisions of this article. The Legislature shall provide for the election of one additional judge, so that the court shall consist of five members, and for a classification of the judges so that one shall go out of office every two years. The judge having the shortest term to serve from time to time, shall be Chief Justice during the remainder of his term of office. The term of office of a judge of the Supreme Court shall be ten years.

Sec. 3. The Supreme Court shall have a general superintending control over all other courts and tribunals, and also such appellate jurisdiction as shall be provided by law; and to that end may issue writs of error, certiorari, mandamus, procedendo, prohibition, and all other appropriate writs and process. It shall also have original jurisdiction in cases of mandamus, habeas corpus, proceedings in the nature of quo warranto, and proceedings by scire-facias to vacate letters patent. It shall have such jurisdiction of questions reserved as shall be provided by law. Its jurisdiction in all cases, not embraced in this article, shall be appellate only.

Sec. 4. There shall be held at least four terms of the Supreme Court annually, one in each of the four judicial districts of the Lower Peninsula of the State, at such times and places as shall be provided by law.

Sec. 5. The Supreme Court shall, by general rules, establish, modify and amend its practice, and may also make all rules that may be necessary for the exercise of its appellate jurisdiction. It may appoint its own clerks and a reporter of its decisions. A concurrence of three judges of said court shall be necessary to a final decision.

Sec. 6. The State Shall be divided into five judicial districts, four of which shall consist of contiguous territory in the Lower Peninsula; the fifth shall embrace the Upper Peninsula and such portion of the Lower contiguous thereto, as shall be designated. Each judicial district shall be sub-divided into circuits of at least two in number. In each circuit there shall be elected by the electors thereof, one circuit judge, who shall be a resident of the judicial district in which such circuit is formed, who shall hold his office for the term of eight years and until his successor is elected and qualified. It shall be the duty of all the circuit judges to meet at least once in two years, to establish uniform rules of practice in the circuit courts, and to modify the same.

Sec. 7. The Legislature may provide for law terms in the several judicial districts by the judges thereof, with whom may be associated a judge of the Supreme Court. The jurisdiction and powers at such law terms shall be such as may be granted by law. The Legislature may provide for holding a term or terms of the circuit court by a Judge of the Supreme Court.

Sec. 8. A circuit court shall be held at least twice in each year in every county organized for judicial purposes, and at least three times in each year in counties containing ten thousand inhabitants. The judges of the circuit courts in each judicial district, shall hold the terms thereof either within the circuit for which they are elected, or alternately within the judicial district, as they may elect, or as may be provided by law for either or all of such judicial districts.

Sec. 9. The circuit courts shall have original jurisdiction in all matters, civil and criminal, not excepted in this Constitution and not prohibited by law; and such appellate jurisdiction from all inferior courts and tribunals as shall be provided by law, and supervisory control of the same. They shall also have power to issue writs of habeas corpus, mandamus, injunction, quo warranto, certiorari, and other writs necessary to carry into effect their orders, judgments and decrees, and give them gen-

eral control over inferior courts and tribunals within their respective jurisdiction.

Sec. 10. The Supreme, circuit and probate courts, shall be courts of record, and shall each have a common seal.

Sec. 11. The respective circuit courts held in each county shall appoint one or more persons residing therein, who shall be vested with such judicial and ministerial powers as shall be provided by law.

Sec. 12. Whenever a judge shall remove beyond the limits of the district in which he was elected, his office shall become vacant; and whenever a justice of the peace shall remove from the township in which he was elected, or be placed without the limits thereof by a change of boundaries, he shall be deemed to have vacated his office.

Sec. 13. Whenever a vacancy occurs in the office of Judge of the Supreme, circuit or probate courts, it shall be filled by appointment of the Governor, which appointment shall continue until a successor to fill such vacancy is elected and qualified. When elected, such successor shall hold his office the residue of the unexpired term.

Sec. 14. The clerk of each county organized for judicial purposes, shall be clerk of the circuit court of such county. The judges of the circuit courts within their respective jurisdiction may fill vacancies in the offices of county clerk and prosecuting attorney.

Sec. 15. Each of the circuit and Supreme Court judges shall receive a salary payable quarterly. They shall be ineligible to any other than a judicial office, during their continuance therein. All votes for such judge, for any office other than judicial, given either by the Legislature or the people, shall be void.

Sec. 16. In each organized county there shall be a court of probate. It shall have such probate jurisdiction, powers and duties, as shall be prescribed by law. Other jurisdiction, civil and criminal, may also be conferred on any one or more courts of probate. Judges of probate shall hold their offices for a

term of four years, and until their successors are elected and qualified, and shall be elected by the electors of their respective counties or districts, as shall be provided by law.

Sec. 17. There shall be not exceeding four justices of the peace in each organized township, who shall be elected by the electors of the township, and shall hold their office for four years, and until their successors are elected and qualified. A justice elected to fill a vacancy, shall hold his office for the residue of the unexpired term. The Legislature may increase the number of justices in cities.

Sec. 18. Justices of the peace shall have such civil and criminal jurisdiction, and perform such duties as shall be prescribed by law.

Sec. 19. The style of all process shall be: "In the name of the people of the State of Michigan."

Sec. 20. Two-thirds of each House of the Legislature may require the opinion of the Supreme Court upon important questions of constitutional law.

On motion of Mr. Willard,

The article entitled "Education," was taken from the table.

The question being on concurring in the amendments made to the article in committee of the whole, they were considered *seriatim*.

The amendment to section 3 being before the Convention,

Mr. Holt moved to amend the amendment, by inserting the word "conducted," in the fourth line, as printed in the journal, before the word "be;"

Which motion was lost.

Mr. Van Valkenburgh moved to amend the amendment by inserting after the word "State," the words "by uniform tax upon the taxable property of the State, and shall be."

Mr. Blackman demanded the yeas and nays;

The demand was supported, and the amendment was not adopted, the following being the vote thereon:

YEAS.

| | | |
|---------------|---------------|-----------------|
| Mr. Blackman, | Mr. Duncombe, | Mr. McConnell, |
| Bradley, | Elliott, | Sheldon, |
| Case, | Estee, | T. G. Smith, |
| Chapin, | Ferris, | Sutherland, |
| Chapman, | Harris, | Van Valkenburg, |
| Conger, | Hazen, | Utley, |
| Corbin, | Henderson, | P. D. Warner, |
| Daniells, | Ingalls, | 23 |

NAYS.

| | | |
|--------------|--------------|----------------|
| Mr. Aldrich, | Mr. Lothrop, | Mr. Stoughton, |
| Alexander, | Lovell, | Thompson, |
| Andrus, | Luce, | Turner, |
| Barber, | McClelland, | Tyler, |
| Coolidge, | Murray, | Walker, |
| Crocker, | Mussey, | W. E. Warner, |
| Duncan, | Pratt, | F. C. Watkins, |
| Germain, | Pringle, | Willard, |
| Giddings, | Rafter, | Winans, |
| D. Goodwin, | Richmond, | Withey, |
| Hixson, | Root, | Williams, |
| Holmes, | Sawyer, | Woodhouse, |
| Holt, | W. A. Smith, | Wright, |
| Hull, | Stockwell, | Yeomans, |
| Longyear, | | 43 |

Mr. Barber moved to reconsider the vote by which the motion of Mr. Holt was lost, to insert the word "conducted," after the word "be," in fourth line of section 3;

Which motion prevailed.

The question recurring on the amendment,

It was agreed to.

Mr. Willard offered the following as a substitute for the amendment made in committee of the whole, so that the section may read as follows:

Section 3. Each school district in the State shall be enabled to maintain a school, free of charge for tuition, at least four months in the year. Any school district neglecting to maintain such school, shall be deprived, during the ensuing year, of its proportion for that year of the income of the primary school fund. The instruction shall in all cases be conducted in the English language.

The substitute was not adopted.

The amendment made to section 3, by the committee of the whole, as amended, was then concurred in.

The question being on concurring in the action of the committee of the whole, in striking out section 4,

Mr. T. G. Smith moved to amend section 4, as follows:

Strike out the words "township and city," at the end of line 1, and commencement of line 2, and insert the words "school district."

Mr. Case moved to amend the section, by striking out the words "townships and cities," in the second line;

Which motion was lost.

Mr. Blackman moved to amend section 4, by striking out all after the word "city," in the second line.

Mr. McClelland demanded the yeas and nays;

The demand was supported, and the motion prevailed, the following being the vote thereon:

YEAS.

| | | |
|--------------|---------------|---------------|
| Mr. Aldrich, | Mr. Giddings, | Mr. Sawyer, |
| Andrus, | Henderson, | Sheldon, |
| Barber, | Holmes, | Stockwell, |
| Blackman, | Holt, | Turner, |
| Coolidge, | Luce, | Tyler, |
| Daniells, | McConnell, | P. D. Warner, |
| Duncan, | Murray, | Winsor, |
| Duncombe, | Mussey, | Williams, |
| Elliott, | Rafter, | Wright, |
| Estee, | Root, | Yeomans, 30 |

NAYS.

| | | |
|-------------|--------------|-----------------|
| Mr. Bills, | Mr. Ingalls, | Mr. Stoughton, |
| Bradley, | Lawrence, | Sutherland, |
| Case, | Lothrop, | Thompson, |
| Chapin, | Lovell, | Utley, |
| Chapman, | McClelland, | Van Valkenburg, |
| Crocker, | McKernan, | W. E. Warner, |
| Germain, | Richmond, | Willard, |
| D. Goodwin, | T. G. Smith, | Withey, |
| Harris, | W. A. Smith, | Woodhouse, |
| Hull, | | 28 |

Mr. Crocker moved to amend the section, by striking out the

letter "a," in line 1, and inserting the words, "at least one," so that the section shall read:

Section 4. The Legislature shall also provide for the establishment and maintenance of at least one library in each township and city.

Mr. Thompson demanded a division of the question.

The first clause of the amendment was agreed to.

The second clause of the amendment was not agreed to.

Mr. Lothrop offered the following amendment:

Insert after "city," in the second line, as follows: "and all fines assessed and collected in any city for any breach of the penal laws committed in such city, shall be applied to the support of the library of such city."

Mr. Sutherland moved to amend the amendment by inserting the words, "and forfeited recognizances," after the word "assessed," in the second line;

Which was accepted.

Mr. Bradley moved to amend the amendment of Mr. Lothrop by inserting after the word "city," wherever it occurs, the words "townships and counties."

The amendment of Mr. Lothrop, by consent, was withdrawn.

Mr. Van Valkenburgh moved to reconsider the vote by which all after the word "city," in the second line of section 4 was stricken out.

On motion of Mr. P. D. Warner,

The Convention adjourned.

FIFTY-FIFTH DAY.

Lansing, Wednesday, July 31, 1867.

The Convention was called to order by the President at 9 o'clock A. M.

Prayer by Rev. Mr. Bradley.

Roll called: a quorum present.

Mr. Richmond asked and obtained leave of absence for Mr. Stoughton, for the day, and for himself until Tuesday next.

Mr. Andrus asked and obtained leave of absence, after to-day, for an indefinite time, on account of sickness in his family.

Mr. Ingalls asked and obtained leave of absence, after to-day, for an indefinite time.

Mr. Withey asked and obtained leave of absence for Mr. Ferris, for an indefinite time, on account of sickness in his family.

PRESENTATION OF PETITIONS.

By Mr. Daniells: petition of L. D. Cross and 24 other men, and of Emma LaVere and 44 other women, citizens of Clinton county, praying that the right of suffrage be conferred upon women and men equally.

Referred to the committee on elections.

By Mr. Turner: petition of James R. Cook, James Marshall, C. P. Judson, Robert McKnight, Dr. E. G. Beckworth, William S. Maynard, Jr., and 515 other citizens of the Saginaw Valley, praying for a well secured system of license for the sale of wines and liquors.

Referred to the committee on intoxicating liquors.

REPORTS OF STANDING COMMITTEES.

By the committee on corporations other than municipal:

The committee on corporations other than municipal, to whom was recommitted with certain instructions, the article entitled "Article —. Corporations other than Municipal," herewith, in accordance with said instructions, report the same back to the Convention, with certain amendments prepared in accordance with said instructions.

EUGENE PRINGLE, *Chairman*.

Report accepted and committee discharged.

On motion of Mr. Pringle,

The article and amendments were laid on the table, ordered printed in the journal, and are as follows:

ARTICLE ———.

CORPORATIONS OTHER THAN MUNICIPAL.

SECTION 1. Organizations for the purpose of banking, insurance, mining, telegraphing, manufacturing, transacting business as common carriers, and religious societies, shall be incorporated only under general laws. No special charter shall be granted, nor shall the franchises given thereby be enlarged without the assent of two-thirds of the members elect to each House. Every act passed pursuant to this section, may be amended altered or repealed by a majority vote of the members elect of each House.

Sec. 2. The stockholders of every corporation or association for banking purposes, issuing bank notes or paper credits, to circulate as money, shall be individually liable for all debts, contracted during the term of their being stockholders of such corporation or association, equally and ratably to the extent of their respective shares of stock in any such corporation or association.

Sec. 3. The Legislature shall provide for the registry of all bills or notes issued or put in circulation as money, by any bank organized under the laws of this State, and shall require security to the full amount of notes and bills so registered, in interest-bearing stocks of this State, or the United States, which shall be deposited with the State Treasurer, for the redemption of such bills or notes in lawful money of the United States.

Sec. 4. In case of the insolvency of any bank or banking association, the bill-holders thereof shall be entitled to preference in payment, over all other creditors of such bank or association.

Sec. 5. The Legislature shall pass no law authorizing or sanctioning the suspension of payments by any corporation.

Sec. 6. The Legislature shall pass no law altering or amending any act of incorporation granted prior to January 1st, 1851, without the assent of two-thirds of the members elected to each House. No such act shall be renewed or extended.

Sec. 7. No corporation other than municipal shall hold any real estate for a longer period than ten years, from the time of acquiring the same, except such real estate shall be actually occupied by such corporation in the exercise of its franchises. No real estate shall hereafter be withheld from market for a longer time than ten years, for the use or benefit of any corporations.

Sec. 8. The stockholders in any corporation shall be individually liable for all labor done in behalf of such corporation during the time of their being such stockholders, equally and ratably to the extent of their respective shares in the stock of such corporation.

UNFINISHED BUSINESS.

The Convention proceeded to the consideration of the unfinished business, being on concurring in the amendments made by the committee of the whole to the article entitled "Education."

The question being on the motion of Mr. VanValkenburgh to reconsider the vote by which all after the word "city," in the second line of section 4, was stricken out,

It was withdrawn.

Mr. Lothrop moved to amend section 4 by substituting therefor the following:

"The Legislature shall provide for the establishment and maintenance of a library in each township, and of at least one in each city. And all moneys belonging to the public, derived from fines, penalties, forfeitures or recognizances, imposed or taken in the several counties, cities or townships, for any breach of the penal laws of the State, after deducting the actual costs of collection, shall be apportioned in the same manner, as is the income of the primary school fund, and paid over to the several cities and townships of the county in which such money accrued, for the support of such libraries: *Provided*, That the Legislature may authorize any township, by a vote of its electors to apply its portion of said money to the direct support of its primary schools."

The amendment was adopted.

The question being on concurring in the action of the committee, in striking out section 4,

It was not concurred in.

The question being on concurring in the amendment made by the committee of the whole to section 5, striking out the words, "the Chief Justice of the Supreme Court shall be *ex-officio* a member of the Board of Regents,"

It was not concurred in.

The question being on concurring in the first amendment made by the committee of the whole to section 9, by striking out of the first line the words, "support and maintain an," and inserting in lieu thereof the words, "provide for the support and maintenance of the,"

Mr. Luce moved to strike out the word "the," where it last occurs in the amendment, and insert the word "an," in lieu;

Which was agreed to.

The amendment, as amended, was then concurred in.

Pending the question of concurring in the second amendment made by the committee to section 9, by striking out the words, "and may make the same a department of the University,"

On motion of Mr. Norris,

The Convention took a recess until 2½ o'clock P. M.

AFTERNOON SESSION.

2½ o'clock P. M.

The Convention was called to order by the President.

Roll called: a quorum present.

The Convention resumed the consideration of the unfinished business.

The pending question being on concurring in the second amendment made by the committee of the whole to Sec. 9, striking out the words, "and may make the same a department of the University,"

Mr. Sutherland demanded the yeas and nays;

The demand was sustained, and the amendment was concurred in, the following being the vote thereon:

YEAS.

| | | |
|--------------|--------------|-----------------|
| Mr. Aldrich, | Mr. Hazen, | Mr. Sutherland, |
| Andrus, | Henderson, | Thompson, |
| Barber, | Holmes, | Turner, |
| Bills, | Holt, | Tyler, |
| Birney, | Howard, | Van Riper, |
| Bradley, | Hull, | Van Valkenburg, |
| Chapin, | Leach, | Walker, |
| Chapman, | Longyear, | P. D. Warner, |
| Coolidge, | Lovell, | F. C. Watkins, |
| Conger, | McConnell, | Willard, |
| Crocker, | McKernan, | Winsor, |
| Daniells, | Miles, | Withey, |
| Duncan, | Murray, | Williams, |
| Duncombe, | Mussey, | Woodhouse, |
| Estee, | Pringle, | Yeomans, |
| Germain, | Sheldon, | President, |
| Harris, | T. G. Smith, | |

50

NAYS.

| | | |
|----------------|--------------|---------------|
| Mr. Alexander, | Mr. Lothrop, | Mr. Richmond, |
| Blackman, | Luce, | Root, |
| Corbin, | McClelland, | Sawyer, |
| Elliott, | Morton, | W. A. Smith, |
| D. Goodwin, | Norris, | Stockwell, |
| Hixson, | Pratt, | W. E. Warner, |
| Lawrence, | Rafter, | Winans, |

21

Amendments to the body of the article being in order,

Mr. Leach moved to add to Sec. 9, the words, "and said college shall not be made a branch or department of any other institution."

Mr. Blackman demanded the yeas and nays;

The demand was supported and the amendment was lost, the following being the vote thereon:

YEAS.

| | | |
|--------------|---------------|-----------------|
| Mr. Aldrich, | Mr. Daniells, | Mr. Sheldon, |
| Andrus, | Duncan, | Sutherland, |
| Birney, | Estee, | Turner, |
| Bradley, | Harris, | Tyler, |
| Case, | Howard, | Van Riper, |
| Chapin, | Hull, | Van Valkenburg, |

Chapman,
Coolidge,
Conger,

Leach,
Longyear,
Pringle,

Williams,
Woodhouse,

26

NAYS.

Mr. Alexander,
Barber,
Blackman,
Corbin,
Crocker,
Duncombe,
Elliott,
Germain,
D. Goodwin,
Hazen,
Henderson,
Hixson,
Holmes,
Holt,

Mr. Lawrence,
Lothrop,
Lovell,
Luce,
McClelland,
McConnell,
McKernan,
Miles,
Morton,
Murray,
Mussey,
Norris,
Pratt,
Richmond,

Mr. Root,
Sawyer,
T. G. Smith,
W. A. Smith,
Stockwell,
Thompson,
Walker,
P. D. Warner,
W. E. Warner,
F. C. Watkins,
Willard,
Winans,
President,

41

Mr. Luce moved to strike out section 9.

Mr. McConnell moved to amend section 9 by striking out the word "shall," in the first line, and inserting in lieu the word "may."

Mr. McConnell moved to amend section 9 by striking out the word "shall," in the first line, after the word "Legislature," and inserting the word "may."

Mr. Luce demanded the yeas and nays;

The demand was supported, and the amendment was not adopted, the following being the vote thereon:

YEAS.

Mr. Alexander,
Barber,
Blackman,
Corbin,
Crocker,
Duncan,
Duncombe,
Elliott,
D. Goodwin,

Mr. Hixson,
Lawrence,
Lothrop,
Luce,
McClelland,
McConnell,
Morton,
Murray,
Pratt,

Mr. Rafter,
Root,
W. A. Smith,
Stockwell,
P. D. Warner,
W. E. Warner,
Winans,
Yeomans,
President,

27

NAYS.

Mr. Aldrich,
Andrus,
Bills,

Mr. Henderson,
Holmes,
Holt,

Mr. Thompson,
Turner,
Tyler,

| | | |
|-----------|--------------|-----------------|
| Birney, | Howard, | Van Riper, |
| Bradley, | Hull, | Van Valkenburg, |
| Case, | Leach, | Walker, |
| Chapin, | Longyear, | F. C. Watkins, |
| Chapman, | Lovell, | Willard, |
| Coolidge, | Mussey, | Winsor, |
| Conger, | Norris, | Withey, |
| Daniells, | Pringle, | Williams, |
| Estee, | Sheldon, | Woodhouse, |
| Germain, | T. G. Smith, | Wright, |
| Harris, | Sutherland, | |

41

Mr. P. D. Warner moved to amend section 9, by striking out in the first line, the words "an agricultural," and inserting "a Female," and by striking out in the second line, the word "Agriculture," and inserting the words "the fine arts and belles-letters."

Mr. Norris moved that the Convention adjourn;

Which motion was lost.

The question recurred on the amendment of Mr. P. D. Warner.

Mr. Sutherland demanded the yeas and nays;

The demand was supported, and the amendment was not adopted, the following being the vote thereon:

YEAS.

| | | |
|-------------|-------------|------------------|
| Mr. Morton, | Mr. Norris, | Mr. P. D. Warner |
|-------------|-------------|------------------|

3

NAYS.

| | | |
|--------------|----------------|------------------|
| Mr. Aldrich, | Mr. Henderson, | Mr. W. A. Smith, |
| Alexander, | Holmes, | Stockwell, |
| Andrus, | Holt, | Sutherland, |
| Bills, | Hull, | Thompson, |
| Birney, | Leach, | Turner, |
| Blackman, | Longyear, | Tyler, |
| Bradley, | Lothrop, | Van Riper, |
| Case, | Lovell, | Van Valkenburg, |
| Chapin, | Luce, | Walker, |
| Chapman, | McClelland, | W. E. Warner |
| Coolidge, | McConnell, | F. C. Watkins, |
| Conger, | Murray, | Willard, |
| Crocker, | Mussey, | Winsor, |
| Daniells, | Pratt, | Withey, |
| Duncan, | Pringle, | Williams, |
| Duncombe, | Rafter, | Woodhouse, |

| | | | |
|-------------|--------------|------------|----|
| Estee, | Root, | Wright, | |
| Germain, | Sheldon, | Yeomans, | |
| D. Goodwin, | T. G. Smith, | President, | |
| Harris, | | | 58 |

Mr. Alexander moved that Mr. Root be excused from voting;
Which motion did not prevail.

Mr. Root then voted as recorded.

Mr. Conger moved that Mr. McClelland be excused from voting;

Which motion did not prevail.

Mr. Willard moved to reconsider the vote by which the Convention refused to excuse Mr. McClelland from voting;

Which motion prevailed.

The question recurring on the motion to excuse Mr. McClelland from voting,

It prevailed.

The question then being on the motion of Mr. Luce, to strike out section 9,

Mr. Conger demanded the yeas and nays;

The demand was supported, and the motion to strike out did not prevail, the following being the vote thereon:

YEAS.

| | | |
|---------------|-------------|------------------|
| Mr. Blackman, | Mr. Morton, | Mr. W. A. Smith, |
| Hixson, | Murray, | Stockwell, |
| Lothrop, | Norris, | P. D. Warner, |
| Luce, | Rafter, | Winans, |
| | | 12 |

NAYS.

| | | |
|--------------|--------------|------------------|
| Mr. Aldrich, | Mr. Germain, | Mr. T. G. Smith, |
| Alexander, | D. Goodwin, | Sutherland, |
| Andrus, | Harris, | Thompson, |
| Bills, | Holmes, | Turner, |
| Birney, | Holt, | Tyler, |
| Bradley, | Howard, | Van Riper, |
| Case, | Hull, | Van Valkenburg, |
| Chapin, | Leach, | Walker, |
| Chapman, | Longyear, | F. C. Watkins, |
| Coolidge, | Lovell, | Willard, |
| Conger, | McConnell, | Winsor, |
| Crocker, | Mussey, | Withey, |
| Daniells, | Pratt, | Williams, |

Duncan,
Duncombe,
Estee,

Pringle,
Root,
Sheldon,

Woodhouse,
Wright,
47

On motion of Mr. Alexander,
The Convention adjourned.

FIFTY-SIXTH DAY.

Lansing, Thursday, August 1, 1867.

The Convention was called to order by the President at 9 o'clock A. M.

Prayer by Rev. Mr. McIntire.

Roll called: a quorum present.

Absent without leave, Messrs. Lawrence, Sawyer and W. E. Warner.

Mr. Winans asked and obtained leave of absence for Mr. Lawrence, for an indefinite time.

Mr. Stockwell asked and obtained leave of absence for Mr. Sawyer, for an indefinite time, on account of sickness in his family.

Mr. W. A. Smith asked and obtained leave of absence for Mr. W. E. Warner, for an indefinite time.

Mr. Sutherland asked and obtained leave of absence after to-day, for an indefinite time.

Mr. Hazen asked and obtained leave of absence for an indefinite time.

Mr. Duncombe asked and obtained leave of absence until Wednesday next.

Mr. D. Goodwin asked and obtained leave of absence for an indefinite time.

On motion of Mr. McClelland,

The article entitled "Corporations other than Municipal," was ordered re-printed in the journal, with the amendments made in committee of the whole, in *italics*, and those made by the standing committee, to whom it was recommitted, enclosed in brackets.

The article, as amended, is as follows:

ARTICLE —.

CORPORATIONS OTHER THAN MUNICIPAL.

[SECTION 1. Organizations for the purpose of banking, insurance, mining, telegraphing, manufacturing, transacting business as common carriers, and religious societies, shall be incorporated only under general laws. No special charter shall be granted, nor shall the franchises given thereby be enlarged without the assent of two-thirds of the members elect to each House. Every act passed pursuant to this section, may be amended, altered or repealed by a majority vote of the members elect to each House.]

Sec. 2. The stockholders of every corporation or association for banking purposes, issuing bank notes or paper credits, to circulate as money, shall be individually liable for all debts contracted during the term of their being stockholders of such corporation or association, equally and ratably to the extent of their respective shares of stock in any such corporation or association.

Sec. 3. The Legislature shall provide for the registry of all bills or notes issued or put in circulation as money *by any bank organized under the laws of this State*, and shall require security to the full amount of notes and bills so registered, in interest bearing stocks of this State, or the United States, which shall be deposited with the State Treasurer, for the redemption of such bills or notes in *lawful money of the United States*.

Sec. 4. In case of the insolvency of any bank or banking association, the bill-holders thereof shall be entitled to preference in payment, over all other creditors of such bank or association.

Sec. 5. The Legislature shall pass no law authorizing or sanctioning the suspension of payments by any corporation.

[Sec. 6. The Legislature shall pass no law altering or amending any act of incorporation granted prior to January 1, 1851, without the assent of two-thirds of the members elected to each House. No such act shall be renewed or extended.]

Sec. 7. No corporation or joint stock association shall hold any real estate hereafter acquired for a longer period than ten years *from the time of acquiring the same*, except such real estate shall be actually occupied by such corporation in the exercise of its franchises. *No real estate shall hereafter be withheld from market for a longer term than ten years, for the use or benefit of any corporation.*

Sec. 8. *The stockholders in any corporation shall be individually liable for all labor done in behalf of such corporation during the time of their being such stockholders, equally and ratable to the extent of their respective shares in the stock of such corporation.*

UNFINISHED BUSINESS.

The Convention resumed the consideration of the article entitled "Education."

Amendments to the body of the article being in order,

Mr. Case moved to amend section 3, by adding thereto the following:

"The Legislature shall also provide for the regular attendance at a public or private school, for at least three months in every year, of every scholar between the ages of seven and fourteen years, whose health will permit such attendance."

Mr. Holt offered the following to stand as a new section:

Sec. —. The Legislature shall provide by law for compelling the attendance of children at school such length of time each year, and upon such conditions as may be deemed advisable, and make the neglect of such attendance a penal offense on the part of the parents and guardians, having the control of the children thus neglecting to attend school.

The amendment of Mr. Case was withdrawn.

The question recurring on the amendment of Mr. Holt,

Mr. Case demanded the yeas and nays;

Mr. Alexander moved to amend the amendment of Mr. Holt, by striking out the word "shall," in the first line, and inserting the word, "may;"

Which was not agreed to.

Mr. Burtch moved to amend the amendment of Mr. Holt, by striking out all after the word "advisable;"

Which was agreed to.

Mr. Sheldon moved to amend the amendment by inserting the word "truant," before the word "children;"

Which was not agreed to.

The question recurring on the amendment of Mr. Holt, and the demand for the yeas and nays being supported,

The amendment was not adopted, the following being the vote thereon:

YEAS.

Mr. Andrus,
Bills,
Birney,
Blackman,
Burtch,
Case,

Mr. Duncan,
Elliott,
Hazen,
Hixson,
Holt,
Sheldon,

Mr. T. G. Smith,
Stockwell,
Sutherland,
Tyler,
P. D. Warner,

17

NAYS.

Mr. Aldrich,
Alexander,
Barber,
Bradley,
Chapin,
Chapman,
Coolidge,
Conger,
Corbin,
Crocker,
Daniells,
Desnoyers,
Divine,
Duncombe,
Estee,
Germain,
Giddings,
W. F. Goodwin,

Mr. Harris,
Henderson,
Holmes,
Howard,
Hull,
Huston,
Leach,
Longyear,
Lothrop,
Lovell,
Luce,
McClelland,
McConnell,
McKernan,
Miles,
Murray,
Mussey,
Norris,

Mr. Pratt,
Pringle,
Rafter,
Root,
W. A. Smith,
Stoughton,
Thompson,
Turner,
Van Riper,
Van Valkenburg,
F. C. Watkins,
Winans,
Winsor,
Williams,
Yeomans,
Woodhouse,
President,

54

Mr. Chapin moved to amend section 3, by inserting in the 1st line, after the word "provide," the words, "by a tax upon the taxable property of the State;" so that the section will read:

"The Legislature shall provide, by a tax upon the taxable property of the State, for a system of primary schools, by

which a school shall be maintained in each school district of the State, free of charge for tuition, at least four months of the year. The instruction shall, in all cases, be in the English language."

Mr. Chapin demanded the yeas and nays;

The demand was supported, and the amendment was not adopted, the following being the vote thereon.

YEAS.

| | | |
|-------------|--------------|-----------------|
| Mr. Birney, | Mr. Elliott, | Mr. Sheldon, |
| Blackman, | Estee, | T. G. Smith, |
| Bradley, | Harris, | Sutherland, |
| Case, | Howard, | Tyler, |
| Chapin, | Huston, | Van Valkenburg, |
| Chapman, | Leach, | P. D. Warner, |
| Conger, | Longyear, | Winsor, |
| Divine, | McKernan, | Woodhouse, |
| Duncombe, | | 25 |

NAYS.

| | | |
|----------------|-------------|----------------|
| Mr. Aldrich, | Mr. Hixson, | Mr. Root, |
| Alexander, | Holmes, | W. A. Smith, |
| Andrus, | Holt, | Stockwell, |
| Barber, | Hull, | Stoughton, |
| Bills, | Lothrop, | Thompson, |
| Coolidge, | Luce, | Turner, |
| Corbin, | McClelland, | Van Riper, |
| Crocker, | McConnell, | Walker, |
| Daniells, | Miles, | F. C. Watkins, |
| Desnoyers, | Murray, | Willard, |
| Duncan, | Mussey, | Winans, |
| Germain, | Norris, | Withey, |
| Giddings, | Pratt, | Williams, |
| W. F. Goodwin, | Pringle, | Yeomans, |
| Henderson, | Rafter, | President, 45 |

Mr. Willard offered the following amendment to stand as a new section:

Section —. The Legislature shall provide for an annual assessment upon the taxable property of the State, of not less than one mill upon each dollar of the valuation thereof, for the support of primary schools;

Which was not agreed to.

Mr. Howard offered the following to stand as a new section:

Section. — The Legislature shall provide for establishing and maintaining a chair of Homeopathy in the State University, or at such other place in the State as may be provided for by law;

Which was not agreed to.

The article was then referred to the committee on arrangement and phraseology, for correction and engrossment, and ordered to a third reading.

The Convention proceeded to the consideration of the article entitled "Legislative department."

The question being on the amendment of Mr. Alexander to the second amendment made by the committee of the whole to Sec. 31 of the article, striking out the word "nor," where it occurs in the last clause of the amendment, and inserting in lieu the words, "The Legislature shall not," so that the amendment will read, "The Legislature shall not pass any act authorizing the grant of license for the sale of ardent spirits or intoxicating liquors as a beverage;"

Which amendment was not agreed to.

The question then being on the adoption of the substitute offered by Mr. Lothrop for the last amendment made by the committee of the whole to Sec. 31 of the article, embodying two propositions to be submitted separately to the people,

Mr. Blackman moved to amend the substitute No. 1, by striking out the words "as a beverage."

Mr. Blackman demanded the yeas and nays;

The demand was supported, and the amendment was adopted, the following being the vote thereon:

YEAS.

| | | |
|------------|--------------------|-----------------|
| Mr. Bills, | Mr. W. F. Goodwin, | Mr. Stockwell, |
| Blackman, | Harris, | Stoughton, |
| Bradley, | Henderson, | Thompson, |
| Case, | Holmes, | Tyler, |
| Chapin, | Howard, | Van Riper, |
| Daniells, | Leach, | Van Valkenburg, |
| Divine, | Lovell, | Walker, |
| Duncan, | Luce, | P. D. Warner, |
| Duncombe, | McConnell, | Willard, |
| Elliott, | Murray, | Wright, |

Estee,
Germain,

Pringle,
Root,

Yeomans,

35

NAYS.

Mr. Aldrich
Andrus,
Barber,
Birney,
Coolidge,
Conger,
Corbin,
Crocker,
Desnoyers,
Giddings,
Hixson,

Mr. Huston,
Longyear,
Lothrop,
McClelland,
McKernan,
Mussey,
Norris,
Pratt,
Rafter,
Sheldon,
T. G. Smith,

Mr. W. A. Smith,
Sutherland,
Turner,
F. C. Watkins,
Winans,
Winsor,
Williams,
Withey,
Woodhouse,
President,

32

Mr. P. D. Warner moved to amend the substitute No. 2, by adding after the word "on," at the end of the 8th line, the words "Sunday or;"

Which was agreed to.

Mr. Wright moved to amend the substitute by striking out the words "or otherwise," in the 2d line of the proposition No. 2, and inserting before the word "license," in the same line, the word "or;"

Which was not agreed to.

Mr. Alexander moved to amend the substitute by striking out of proposition No. 2, the following words:

"It shall authorize any city or town desiring so to do, wholly to prohibit such sale within its limits, and shall pass laws to enforce such prohibition;"

Which motion was lost.

Mr. Case moved to amend the second proposition of the substitute, by striking out the words, "No sale of such liquors to minors, paupers or common drunkards shall ever be authorized;"

Which was not agreed to.

Mr. Birney moved to amend the substitute by inserting after the word "regulation," in the first line of proposition No. 2, the words "and restriction;"

Which was accepted.

Mr. Withey moved to amend the second' proposition of the

substitute by striking out the first clause of proposition No. 2, and inserting in lieu thereof the following:

"The Legislature shall provide for the regulation and restriction of the sale of intoxicating drinks, and shall impose a tax upon the traffic therein. The sale of such drinks to minors, persons under guardianship, paupers and common drunkards, shall be wholly prohibited, and all necessary laws shall be passed to enforce such prohibition. The tax in any case upon the traffic, shall not be less than — hundred dollars."

Mr. Conger moved that the blank be filled with "one;"

Which was accepted.

Mr. Withey moved that the Convention take a recess.

Mr. Williams moved to amend the motion by adding "until 2 o'clock;"

Which was agreed to.

The motion to take a recess, as amended, then prevailed.

AFTERNOON SESSION.

2 o'clock P. M.

The Convention was called to order by the President.

Roll called: a quorum present.

Mr. Bradley asked and obtained leave of absence from any hour to-day or to-morrow, for an indefinite time.

Mr. Conger asked and obtained leave of absence after to-day, until Wednesday morning.

Mr. Williams asked and obtained leave of absence after to-day, for an indefinite time.

Mr. Pringle asked and obtained leave of absence for an indefinite time, after Saturday next.

Mr. Henderson asked and obtained leave of absence after to-morrow, until Tuesday next.

Mr. Blackman asked and obtained leave of absence after to-morrow, until Wednesday morning.

Mr. Thompson asked and obtained leave of absence after to-day, until Tuesday morning.

The Convention resumed the consideration of the article entitled "Legislative Department."

The question being on the amendment of Mr. Withey to the second proposition of the substitute of Mr. Lothrop, for the last amendment to section 31 of the article,

It was adopted.

Mr. Holmes moved to amend the substitute by inserting after the word "dollars," in the second proposition, the following:

"And every person who shall engage in the sale of such liquors, shall be authorized and empowered to administer oaths, and shall upon oath propound to every applicant to him for such liquor, the following questions: 1st. Are you a minor? 2d. Are you a pauper? 3d. Are you a common drunkard? And if either of these questions shall be answered affirmatively, then said vendor shall refuse, and shall not sell any liquor to such applicant;"

Which motion was lost.

Mr. Pringle moved to amend the substitute by striking out the word "license," wherever it occurs in the third paragraph, and inserting in lieu the word "restriction;"

Which was agreed to.

Pending the debate on the adoption of the substitute of Mr. Lothrop as amended,

On motion of Mr. Holmes,

The Convention adjourned.

FIFTY-SEVENTH DAY.

Lansing, Friday, August 2, 1867.

The Convention was called to order by the President, at 9 o'clock A. M.

Prayer by Rev. Mr. Armstrong.

Roll called: a quorum present.

Mr McClelland asked and obtained leave of absence after to-day, until Tuesday next, on account of important business.

Mr. Van Riper asked and obtained leave of absence after to-day, for an indefinite time, on account of important business.

Mr. Yeomans asked and obtained leave of absence after to-day, until Wednesday next.

Mr. Giddings asked and obtained leave of absence after to-day, until Wednesday next.

Mr. Holmes asked and obtained leave of absence after to-day, until Monday morning.

Mr. Withey asked and obtained leave of absence after to-day, until Tuesday morning.

Mr. Turner asked and obtained leave of absence until Tuesday morning.

Mr. Norris asked and obtained leave of absence after to-day, until Wednesday morning.

Mr. Crocker asked and obtained leave of absence after to-day, until Tuesday morning.

Mr. Root moved that when the Convention adjourn to-day, it be until Monday morning next.

Mr. Norris moved to amend the motion, by striking out "Monday, and inserting "Tuesday."

The motion of Mr. Root was withdrawn.

Mr. F. C. Watkins asked and obtained leave of absence, after to-morrow, for an indefinite time, on account of sickness.

Mr. Burtch asked and obtained leave of absence, for an indefinite time.

Mr. Lothrop asked and obtained leave of absence for an indefinite time.

Mr. Burtch asked and obtained leave of absence for Mr. Musgrave, for an indefinite time.

Mr. Hixson asked and obtained leave of absence after to-day, until Tuesday morning next.

PRESENTATION OF PETITIONS.

By Mr. Van Valkenburgh: petition of J. L. Smith, James A. Weeks, J. H. Comstock, Benjamin Daniells and 18 other citizens of Oakland county, in favor of prohibition of license.

Referred to the committee on intoxicating liquors.

MOTIONS AND RESOLUTIONS.

Mr. Walker offered the following resolution:

Resolved, That the third reading of articles be made the special order for Wednesday next, the 7th day of August instant, at 10 A. M.

Mr. Williams moved to amend the resolution by making the special order Thursday next, the 8th of August;

Which was accepted.

Mr. Alexander moved to amend the resolution by striking out "Thursday next, the 8th of August," and inserting in lieu "Tuesday next."

Mr. Blackman moved to lay the resolution and amendment on the table;

Which motion was lost.

The amendment of Mr. Alexander was not agreed to.

Mr. Blackman moved to amend the resolution by striking out "Thursday next, the 8th," and inserting "Wednesday next, the 7th;"

Which was not agreed to.

Mr. Morton moved to lay the resolution on the table.

The rule was suspended, and the resolution was adopted.

Mr. Barber offered the following resolution:

Resolved, That no leave of absence be hereafter granted, except in case of sickness of the delegate asking such leave, or of some member of his family.

Mr. Norris moved to lay the resolution on the table.

Mr. Alexander demanded the yeas and nays;

The demand was supported, and the motion to lay the resolution on the table prevailed, the following being the vote thereon:

YEAS.

Mr. Aldrich,
Bills,
Birney,
Chapman,
Crocker,

Mr. Hixson,
Howard,
Lothrop,
Lovell,
McClelland,

Mr. Stockwell,
Tyler,
Van Riper,
Van Valkenburg,
F. C. Watkins,

| | | |
|----------------|--------------|------------|
| Daniels, | Norris, | Winans, |
| Elliott, | Pratt, | Withey, |
| Germain, | Pringle, | Williams, |
| Giddings, | Root, | Woodhouse, |
| W. F. Goodwin, | T. G. Smith, | Wright, |
| Harris, | W. A. Smith, | Yeomans, |
| Henderson, | | |

34

NAYS.

| | | |
|----------------|-------------|---------------|
| Mr. Alexander, | Mr. Duncan, | Mr. Mussey, |
| Barber, | Estee, | Rafter, |
| Blackman, | Holmes, | Sheldon, |
| Burtch, | Holt, | Stoughton, |
| Case, | Huston, | Walker, |
| Chapin, | Luce, | P. D. Warner, |
| Coolidge, | McConnell, | Willard, |
| Corbin, | Miles, | Winsor, |
| Desnoyers, | Morton, | President, |
| Divine, | | |

28

Mr. Case offered the following resolution:

Resolved, That no member of this Convention shall be allowed his per diem pay while absent from this Convention after to-day, unless he has leave of absence on account of sickness, as provided by law.

On motion of Mr. Henderson,

The resolution was laid on the table.

Mr. Alexander offered the following resolution:

Resolved, That hereafter the daily sessions of this Convention commence at 8 A. M., until otherwise ordered.

On motion of Mr. Burtch,

The resolution was laid on the table.

Mr. Withey offered the following resolution:

Resolved, That a vote on the subject of prohibition of license and restriction of the sale of intoxicating liquors, be taken at 9½ A. M. on Thursday next.

A suspension of the rule being required before the resolution could be considered,

Mr. Withey moved to suspend the rule;

Which motion did not prevail.

Mr. Leach offered the following resolution:

Resolved, That on Thursday, the 8th inst., at 9½ o'clock A. M., debate shall be closed on the subject of prohibition of license, and the regulation and restriction of the traffic in spirituous liquors, and that the Convention will proceed to vote on pending amendments, or amendments that may be offered and on the main question, without debate.

A suspension of the rule being necessary before the resolution could be entertained.

Mr. Leach moved to suspend the rule;

Mr. Withey demanded the yeas and nays;

The demand was supported, and the motion to suspend the rule prevailed, the following being the vote thereon:

YEAS.

| | | |
|--------------|--------------|-----------------|
| Mr. Aldrich, | Mr. Leach, | Mr. Stockwell, |
| Alexander, | Longyear, | Stoughton, |
| Birney, | Lothrop, | Thompson, |
| Chapin, | Lovell, | Tyler, |
| Chapman, | Luce, | Van Riper, |
| Coolidge, | McClelland, | Van Valkenburg, |
| Crocker, | McConnell, | P. D. Warner, |
| Daniells, | McKernan, | F. C. Watkins, |
| Desnoyers, | Miles, | Willard, |
| Divine, | Murray, | Winans, |
| Duncan, | Mussey, | Winsor, |
| Estee, | Pratt, | Withey, |
| Germain, | Pringle, | Woodhouse, |
| Giddings, | Rafter, | Wright, |
| Harris, | Root, | Yeomans, |
| Henderson, | Sheldon, | President, |
| Holt, | W. A. Smith, | 50 |

NAYS.

| | | |
|---------------|--------------------|-------------|
| Mr. Blackman, | Mr. W. F. Goodwin, | Mr. Huston, |
| Case, | Hixson, | Walker, |
| Corbin, | Holmes, | 8 |

The resolution offered by Mr. Leach was then adopted.

Mr. Alexander moved that Mr. Bills be excused from voting;
Which motion prevailed.

Mr. Rafter moved that Mr. Howard be excused from voting;
Which motion prevailed.

Mr. Alexander offered the following resolution:

Resolved, That after this day no member shall speak more than ten minutes at one time on the same question.

Mr. Van Riper moved to lay the resolution on the table;

Which motion did not prevail.

Mr. Birney offered the following substitute for the resolution:

Resolved, That no member shall speak longer than fifteen minutes at any one time, in Convention or in committee of the whole, without leave.

Mr. Alexander moved to amend the substitute by striking out "fifteen," and inserting "ten," in lieu thereof;

Which motion prevailed.

The substitute as amended was agreed to.

The resolution as amended by the substitute was then adopted.

UNFINISHED BUSINESS.

The Convention resumed the consideration of the article entitled "Legislative Department."

The question then being on the adoption of the substitute offered by Mr. Lothrop, as amended, for the last amendment made by the committee of the whole to Sec. 31 of the article,

Mr. Withey moved to amend the substitute as amended by the amendment offered by him yesterday, by inserting in place of "intoxicating drinks," the following: "spirituous or intoxicating liquors;" also, in place of the word "drinks," insert the word "liquors;"

Objection being made, the amendment was not entertained.

After considerable debate,

On motion of Mr. Withey,

The article and amendment were laid on the table.

On motion of Mr. Estee,

The Convention took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

2 o'clock P. M.

The Convention was called to order by the President,

Roll called: a quorum present.

On motion of Mr. Withey,

The article entitled "Judicial Department," was taken from the table.

The question being on concurring in the amendments made to the article by the committee of the whole, they were considered seriatim.

The question being on concurring in the amendment made by the committee, striking out the second clause of Sec. 10, to wit: "No person shall hold the office of judge of a court of record after attaining to the age of seventy years;"

It was concurred in.

The question being on concurring in the amendment made by the committee on striking out section 16,

It was concurred in.

The question being on concurring in the adoption of the following as a new section:

"Sec. —. Two-thirds of each House of the Legislature may require the opinion of the Supreme Court upon important questions of constitutional law,"

Mr. McClelland moved to amend the section by inserting after word "of," where it first occurs in the first line, the words "the members elect to;"

Which was agreed to.

The section as amended was then adopted.

Amendments to the body of the article being in order,

Mr. Withey moved to strike out in lines six and seven, of section 6, the words, "and until his successor is elected and qualified." Also, by striking out of original section 17, in line 4, the words, "and until their successors are elected and qualified;"

Which was agreed to.

The article was then referred to the committee on arrangement and phraseology, for correction and engrossment, and ordered to a third reading.

On motion of Mr. Pringle,

The article entitled "Corporations other than Municipal," was taken from the table.

The question being on concurring in the amendments reported by the committee on "Corporations other than Municipal," in accordance with instructions when the article was re-committed to the committee,

Mr. Norris moved to amend Sec. 1, by inserting after the word "enlarged," the words, "amended or repealed;" also, by inserting after the word "every," the word "general."

Mr. P. D. Warner called for a division of the question.

The first clause of the amendment was adopted.

The last clause of the amendment was withdrawn.

Mr. Pringle moved to amend section one, by striking out the last clause thereof.

Mr. McKernan moved to amend the last clause of the section, by inserting the word "general," after the word "every;"

Which was agreed to.

The motion to strike out was withdrawn.

Mr. Farmer moved to reconsider the vote by which the Convention adopted the amendment to section 1, offered by Mr. Norris.

On motion of P. D. Warner,

The article was laid on the table.

On motion of Mr. Birney,

The article entitled "Executive Department," was taken from the table.

Mr. Birney, by unanimous consent, moved to amend section 15, by striking out the words, "He shall be chairman of the Board of State Auditors, and perform such other administrative duties as may be prescribed by law;"

Which was agreed to.

On motion of Mr. Birney,

The article was ordered to a third reading.

On motion of Mr. Howard,

The Convention adjourned.

FIFTY-EIGHTH DAY.

Lansing, Saturday, August 3, 1867.

The Convention was called to order by the President at 9 o'clock A. M.

Prayer by Rev. Mr. Weed.

Roll called: a quorum present.

Mr. W. A. Smith asked and obtained leave of absence for Mr. Desnoyers, for the day, on account of sickness.

Mr. Stockwell asked and obtained leave of absence, on account of sickness in his family.

Mr. Stoughton asked and obtained leave of absence for Mr. Hull, for an indefinite time, on account of sickness in his family.

Mr. Harris asked and obtained leave of absence for Mr. Van Valkenburgh, for an indefinite time, on account of sickness.

Mr. P. D. Warner moved to suspend Rule 34, and that forty members shall constitute a quorum for to-day and Monday next;

Which motion did not prevail.

Mr. Harris asked and obtained leave of absence, until Wednesday next.

REPORTS OF STANDING COMMITTEES.

By the committee on amendment and revision of the Constitution:

The committee on amendment and revision of the Constitution, to whom was referred Article —, entitled "Amendment and Revision,"

Respectfully report that they have had the same under consideration, and have directed me to report an article, entitled "Amendment and Revision," recommending that the same do pass, and ask to be discharged from the further consideration of the subject.

D. W. C. CHAPIN, *Chairman pro tem. of Com.*

Report accepted and committee discharged.

The article was read a first and second time by its title, or-

dered printed, placed on the general order, and referred to the committee of the whole.

By the committee on salaries:

The committee on salaries, to whom was referred article 9 of the Constitution,

Respectfully report that they have had the same under consideration, and have directed me to report Article —, entitled "Salaries," recommending that the same do pass, and ask to be discharged from the further consideration of the subject.

DEXTER MUSSEY, *Chairman*.

Report accepted and committee discharged.

The article was read a first and second time by its title, ordered printed, placed on the general order, and referred to the committee of the whole.

By the committee on arrangement and phraseology:

The committee on arrangement and phraseology, to whom was referred the article entitled "Counties,"

Respectfully report that they have had the same under consideration, and have directed me to report the same back without amendment, recommending that the same do pass, and ask to be discharged from the further consideration of the subject.

JAMES BIRNEY, *Acting Chairman*.

Report accepted and committee discharged.

The article is as follows:

ARTICLE —.

COUNTIES.

SECTION 1. Each organized *county* shall be a body corporate, with such powers and immunities as shall be established by law. All suits and proceedings, by or against a county, shall be in the name thereof.

Sec. 2. No new county shall be organized without submitting the question to a vote of the electors residing therein, nor unless a majority voting thereon shall vote for the same.

Sec. 3. No new county, containing less than sixteen towns, as surveyed by the United States, shall be organized from one or

more counties; nor shall any organized county be reduced by the organization of new counties to less than sixteen such towns, unless in pursuance of law, a majority of the votes cast by the electors residing in *the county*, or each of the counties to be thereby so reduced below sixteen townships, shall be in favor of such organization. *Provided, That nothing herein contained shall be so construed as to prevent the Legislature from organizing any county composed wholly of islands within the territory of the State, or discontinuing any such county, and attaching the same to the nearest county or counties, on the main land.*

Sec. 4. In each organized county there shall be a sheriff, a county clerk, a county treasurer, a register of deeds, a prosecuting attorney, and such other officers as may be provided by law, chosen by the electors thereof once in two years, and as often as vacancies shall happen, whose duties and powers shall be prescribed by the Legislature. The board of supervisors in any county may unite the offices of county clerk and register of deeds in one office, or disconnect the same.

Sec. 5. The sheriff, county clerk, county treasurer, judge of probate and register of deeds, shall hold their offices at the county seat.

Sec. 6. The sheriff shall hold no other county office, nor the office of supervisor. No person shall be eligible to the office of sheriff for more than four in a period of six years. The county shall never be responsible for his acts.

Sec. 7. A board of supervisors, consisting of one from each organized township, shall be established in each county, with such powers as shall be prescribed by law.

Sec. 8. Cities shall have such representation in the board of supervisors as the Legislature may direct; and *one or more additional representatives on the board may be allowed by the Legislature to townships containing not less than three thousand inhabitants.*

Sec. 9. No county seat, once established, shall be removed, until the place to which it is proposed to be removed, shall be designated by a majority of the board of supervisors of the county, and two-thirds of the electors voting thereon shall have

voted in favor of the proposed location, in such manner as shall be prescribed by law.

Sec. 10. The board of supervisors of any county may borrow, or raise by tax, *a sum not exceeding one and one-half mill upon the dollar, of the assessed valuation thereof, for constructing or repairing public buildings, highways or bridges; but no greater sum shall be borrowed or raised by tax for such purpose, in any one year, unless authorized by a majority of the electors of such county voting thereon.*

Sec. 11. *The board of supervisors, or the board of county auditors, in the county of Wayne, and in such other counties as the Legislature may provide for the election thereof, shall, except as otherwise provided by law, have power to prescribe the compensation due for all services rendered, and adjust all claims against their respective counties, and such determination and adjustment shall be subject to no appeal. Supervisors and county auditors shall receive for their services such compensation as shall be prescribed by law.*

By the committee on arrangement and phraseology:

The committee on arrangement and phraseology, to whom was referred the article entitled "Education," and the article entitled "Cities and Villages,"

Respectfully report that they have had the same under consideration, and have directed me to report that they have made no amendments to the same, recommending that the same do pass, and ask to be discharged from the further consideration of the subject.

JAMES BIRNEY, *Acting Chairman.*

Report accepted and committee discharged.

The articles are as follows:

ARTICLE —.

EDUCATION.

SECTION 1. Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.

Sec. 2. Institutions for the benefit of those inhabitants who are deaf, dumb, blind or insane, shall always be fostered and supported.

Sec. 3. The Legislature shall provide for a system of primary schools by which *a school shall be maintained in each school district in the State, free of charge for tuition, at least four months in the year.* The instruction shall in all cases be conducted in the English language.

Sec. 4. *The Legislature shall provide for the establishment and maintenance of a library in each township, and of at least one in each city. And all moneys belonging to the public, derived from fines, penalties, forfeitures or recognizances, imposed or taken in the several counties, cities or townships, for any breach of the penal laws of the State, after deducting the actual costs of collection, shall be apportioned in the same manner, as is the income of the primary school fund, and paid over to the several cities and townships of the county in which such money accrued, for the support of such libraries: Provided, That the Legislature may authorize any township, by a vote of its electors, to apply its portion of said money to the direct support of its primary schools.*

Sec. 5. There shall be elected eight Regents of the University, whose term of office shall be eight years, two of whom shall be elected in every second year, on the day of the annual township election, so as to succeed the Regents now in office, as their several terms shall expire. When a vacancy shall occur in the office of Regent, it shall be filled by appointment by the Governor. The Chief Justice of the Supreme Court shall be *ex officio* a member of the Board of Regents.

Sec. 6. The Regents of the University and their successors in office shall continue to constitute the body corporate, known by the name and title of "the Regents of the University of Michigan."

Sec. 7. The Regents of the University shall, as often as necessary, elect a President of the University, who shall be *ex officio* a member of their board, with the privilege of speaking but not of voting. He shall preside at the meetings of the

Regents, and be the principal executive officer of the University. The Board of Regents shall have the general supervision of the University and the direction and control of all expenditures from the University interest fund.

Sec. 8. There shall be elected three members of a State Board of Education, whose term of office shall be six years, one of whom shall be elected in every second year, at the time of the election of Regents of the University. They shall enter upon the duties of their office on the first day of January next succeeding their election. The Superintendent of Public Instruction shall be *ex officio* a member and Secretary of such board. The board shall have the general supervision of the State Normal School, and their duties shall be prescribed by law.

Sec. 9. The Legislature shall *provide for the* support and *maintenance of* an Agricultural College, for instruction in agriculture, and the natural sciences connected therewith.

Sec. 10. The proceeds from the sale of all lands that have been or hereafter may be granted by the United States to the State for educational purposes, and the proceeds of all lands or other property given by individuals, or appropriated by the State for like purposes, shall be and remain a perpetual fund, the interest and income of which, together with the rents of all such lands as may remain unsold, shall be inviolably appropriated and annually applied to the specific objects of the original gift, grant or appropriation.

Sec. 11. All lands, the title of which shall fail from a defect of heirs, shall escheat to the State; and the interest on the clear proceeds from the sale thereof, shall be appropriated exclusively to the support of primary schools.

ARTICLE ———.

CITIES AND VILLAGES.

SECTION 1. The Legislature shall provide for the incorporation of cities and villages, and shall *restrict* their powers of taxation, borrowing money, contracting debts, and loaning their credit.

Sec. 2. *The mayor and aldermen of cities, and the president and trustees of villages, shall be elected, and all other officers shall be elected or appointed at such time, and in such manner as the Legislature may direct.*

MOTIONS AND RESOLUTIONS.

Mr. Alexander offered the following resolution, which was adopted:

Resolved, That when the Convention adjourn to-day, it adjourn to meet on Monday next, at 10½ o'clock A. M.

On motion of Mr. Holmes,

The Convention went into committee of the whole on the general order,

Mr. Willard in the chair.

—
IN COMMITTEE OF THE WHOLE.

The article entitled "Miscellaneous Provisions" was taken up and read through.

Section 1 being under consideration,

Mr. Holt moved to amend it by inserting after the word "judicial," in the first line, the words "except such as may be exempt by law."

Mr. Coolidge moved to amend the amendment, by striking out of the first line of the section, the words "executive and judicial," and inserting the words "such other," after the word "all;" and by adding after the word "offices," the words, "as shall be designated by law;"

Which was not agreed to.

The question recurring on the amendment offered by Mr. Holt,

It was not adopted.

Mr. Stoughton moved to amend the section, by striking out the words "executive and judicial," and inserting the words, "elected or appointed under this Constitution;" and by inserting after the word "shall," the words, "unless otherwise provided in the act creating the office;"

Which motion was lost.

Mr. Burch moved to amend the section, by striking out in the fourth line the words, "of this State," and inserting after the word "Constitution," the words, "the State of Michigan;"

Which motion was lost.

Section 2 being under consideration,

Mr. Chapin moved to amend the section, by striking out the word "conducted," in line two, and the word "and," in the same line, and adding the words "and conducted," after the word "preserved," in line two, so that section two will read as follows: "The laws, public records, and the written judicial and legislative proceedings, of this State, shall be promulgated, preserved and conducted, in the English language;"

Which was not agreed to.

Mr. Morton offered the following substitute for section 2:

Sec. 2. The laws and public records, and the judicial and legislative proceedings of this State, shall be in the English language;

Which was not adopted.

Mr. Pringle offered the following substitute for the section, which was adopted:

Sec. 2. Judicial and legislative proceedings shall be conducted, and the laws and public records promulgated and preserved in the English language.

Section 3 being under consideration,

Mr. Pringle moved to amend it by inserting in the third line, before the word "having," the words "receiving or;"

Which motion prevailed.

Sec. 4, being under consideration,

Mr. Alexander moved to amend it by inserting the following, after the word "determined," in line three, "without deduction for benefits to any property of the owner;"

Which motion was lost.

Mr. Daniells moved that the committee rise, report progress, and ask leave to sit again;

Which motion was lost.

Mr. Stoughton moved to amend the section by striking out the words, "and not within the limits of any incorporated city or village;"

Which was subsequently withdrawn.

Mr. Bills moved to amend the section by striking out all after the word "laws," in the fourth line.

Mr. Henderson moved that the committee rise, report progress and ask leave to sit again;

Which motion prevailed.

IN CONVENTION.

The committee, through the chairman, submitted the following report:

The committee of the whole have had under consideration Article ———, entitled "Miscellaneous Provisions;"

Have made some progress therein, but not having gone through therewith, have directed me to report that fact to the Convention, and ask leave to sit again.

GEORGE WILLARD, *Chairman*.

Report accepted and leave granted the committee to sit again.

Mr. T. G. Smith moved that the Convention take a recess until 2½ o'clock P. M.

Mr. Rafter moved that the Convention adjourn;

Which motion was lost.

The motion to take a recess then prevailed.

AFTERNOON SESSION.

2½ o'clock P. M.

The Convention was called to order by the President.

Roll called: a quorum present.

On motion of Mr. Lovell,

The Convention went into committee of the whole on the general order,

Mr. Willard in the chair.

IN COMMITTEE OF THE WHOLE.

The committee resumed the consideration of the article entitled "Miscellaneous Provisions."

The pending question being on the amendment of Mr. Bills, to strike out of section 4, all after the word "law," in the 4th line,

Mr. Mussey moved to amend the section, by striking out the words "or village," in the fifth line.

Mr. Longyear moved to amend the amendment, by striking out the word "not," in line five, and inserting in lieu thereof the words, "public improvements and streets;"

Which was accepted.

The amendment, as amended, was adopted.

Mr. Miles moved to amend section 4, by inserting in the first line after the word "taken," the words "except for public highways;" also by striking out all after the word "law," in the fourth line, to and including the word "village," in the fifth line; also by striking out the word "first," in the sixth line, and further, by striking out all of the seventh line after the word "determined;"

Which motion was lost.

The question recurring on the amendment offered by Mr. Bills;

It was adopted.

Section 5 being under consideration,

Mr. Holmes moved to amend it by striking out of the second line, the word "Legislature," and inserting the words "Board of Supervisors of the proper county."

Mr. Huston moved to strike out the section.

Mr. Burtch moved to amend the amendment by striking out the words "Board of Supervisors," and inserting in lieu the words, "the electors of the townships;"

Which was not agreed to.

The question recurring on the amendment of Mr. Holmes,

It was not adopted.

The question being on striking out the section,

The motion was lost.

Mr. Pratt offered the following, to stand as a new section:

Sec. 6. The Legislature may authorize the construction of drains and ditches to promote the public health, or to reclaim and improve lands, at the expense of the owners of the lands drained, in such manner as shall be prescribed by law;

Which was not adopted.

Mr. Daniells offered the following, to stand as a new section:

Sec. —. The Legislature shall by law require that each taxpayer shall give to the assessor a true and complete list of his personal property, verified by oath or affirmation;

Which was not adopted.

Mr. Luce moved that the committee rise, report the article back to the Convention, recommend that the amendments made thereto be concurred in, and that the article, when so amended, do pass, and ask to be discharged from the further consideration of the subject.

The motion prevailed.

IN CONVENTION.

The committee, through the chairman, made the following report:

The committee of the whole have had under consideration Article —, entitled “Miscellaneous Provisions;”

Have made sundry amendments thereto, and have directed their chairman to report the same back to the Convention, asking concurrence therein, and recommend its passage.

GEORGE WILLARD, *Chairman.*

Report accepted and committee discharged.

On motion of Mr. Farmer,

The article and amendments were laid on the table, and ordered printed in the journal.

The article as amended, is as follows:

ARTICLE —.

MISCELLANEOUS PROVISIONS.

SECTION 1. Members of the Legislature, and all officers, executive and judicial, shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of this State, and that I will faithfully discharge the duties of the office of ———, according to the best of my ability."

Sec. 2. *Judicial and legislative proceedings shall be conducted, and the laws and public records promulgated and preserved in the English language.*

Sec. 3. The Legislature shall prohibit public officers *receiving or having charge of public moneys, using or employing the same in any manner for their private use or benefit, and shall provide that whenever such moneys are deposited with any person or corporation, the interest thereon shall be paid to the fund to which such moneys belong.*

Sec. 4. Private property shall not be taken for public use, or for private roads, without the necessity for such taking, and the just compensation to be paid therefor shall have first been ascertained and determined, and the compensation therefor paid or tendered in such manner as shall be prescribed law.

Sec. 5. The Legislature may authorize the construction of dams across navigable streams, and the improvement of the navigation thereof; but such authority shall not interfere with the public right to use the same for any purpose of which it was susceptible before such dam was built or improvement made.

On motion of Mr. Stoughton,

The Convention adjourned until Monday morning next, at 10½ o'clock.

FIFTY-NINTH DAY.

Lansing, Monday, August 5, 1867.

The Convention was called to order by the President at 10½ o'clock A. M.

Prayer by Rev. Mr. McIntire.

Roll called: not a quorum present.

Mr. Lovell moved a call of the Convention;

Which motion prevailed.

The roll was called, and Messrs. Barber, Birney, Rafter and Tyler were reported absent without leave.

Mr. Mussey moved that the Sergeant-at-Arms be dispatched after the absentees.

The Sergeant-at-Arms announced Mr. Barber at the bar of the Convention.

On motion of Mr. Daniells.

Mr. Barber was admitted within the bar, rendered an excuse, which was accepted, and took his seat.

The Sergeant-at-Arms announced Mr. Rafter at the bar of the Convention.

On motion of Mr. Willard,

Mr. Rafter was admitted within the bar, rendered an excuse, which was accepted, and took his seat.

On motion of Mr. Stoughton,

All further proceedings under the call were dispensed with.

No quorum being present,

On motion of Mr. Wright,

The Convention adjourned.

SIXTIETH DAY.

Lansing, Tuesday, August 6, 1867.

The Convention was called to order by the President at 9 o'clock A. M.

Prayer by Rev. Mr. McIntire.

Roll called: a quorum present.

Absent without leave, Messrs. Birney, Henderson, Tyler and Withey.

Mr. Corbin asked and obtained leave of absence until Thursday next.

Mr. Turner asked and obtained leave of absence for Mr. Withey, for the day.

Mr. Holmes asked and obtained leave of absence for Mr. Henderson, until Wednesday next.

Mr. Alexander asked and obtained leave of absence for Mr. Birney, for an indefinite time, on account of sickness.

Mr. Stoughton asked and obtained leave of absence for Mr. Tyler, until to-morrow.

Mr. P. D. Warner asked and obtained leave of absence until Thursday next.

Mr. Alexander asked leave of absence, after Thursday next, for an indefinite time, which was not granted.

Mr. Alexander moved to rescind the leave of absence granted to Mr. P. D. Warner;

Which motion did not prevail.

PRESENTATION OF PETITIONS.

By Mr. Winans: petition of Rev. H. W. Hicks, L. Topping, G. J. Daniells and 40 others, voters of Unadilla, Livingston county, for the retention of the prohibitory clause in the Constitution;

By the same: petition of E. M. Joslyn, Dan. Hunt and 30 others, voters of the township of Unadilla, Livingston county, on the same subject.

Referred to the committee on intoxicating liquors.

REPORTS OF STANDING COMMITTEES.

By the committee on public lands:

The committee on public lands, to whom was referred sundry petitions, resolutions and communications,

Respectfully report that they have had the same under consideration, and have directed me to report the same back to the

Convention, together with the accompanying provisions, recommending that the same be incorporated in the article entitled "Miscellaneous Provisions," and that the same do pass, and ask to be discharged from the further consideration of the subject.

JOHN W. LONGYEAR, *Chairman*.

Report accepted and committee discharged.

The section reported by the committee was laid on the table, ordered printed in the journal, and is as follows:

Section —. All lands that have been, or hereafter may be granted to the State by the United States, or that may come to the State from any other source, for any specified purpose, or upon any specified conditions, and all proceeds from the sale thereof, shall be applied exclusively, so far as necessary, to the purposes, and for the fulfillment of the conditions so specified.

By the committee on intoxicating liquors:

The committee on intoxicating liquors, to whom was referred petitions and sundry memorials on the subject of intoxicating liquors,

Respectfully report that they have had the same under consideration, and have directed me to report in writing, which report is herewith respectfully submitted. They further ask that the report be printed in the journal, and that the committee be discharged from the further consideration of the subject.

P. BILLS, *Chairman*.

Report accepted and committee discharged.

On motion of Mr. Bills,

The report was ordered printed at large in the journal, and is as follows:

The committee on Intoxicating Liquors, respectfully report that the whole number of petitioners in the form of direct petition, to this Convention, number 45,766; that of these 21,624 ask that there should be embraced in our Constitution a clause authorizing the Legislature to enact a law for granting license for the sale of intoxicating liquors; and 24,142 ask that our Constitution shall prohibit such license.

The petitions above referred to, represent men, women and children. Some on both sides of the question purport to be signed by voters.

Those purporting to be voters in favor of license, number 2,102; the voters in favor of prohibition of license, number 9,074.

In addition to the above petitions, several memorials have been presented.

The common council of the city of Monroe, and the city of Detroit, memorialize this Convention in favor of license.

A public meeting, purporting to be of the citizens of Ypsilanti, held June 4, 1867, protest against any clause in the Constitution granting license.

At Kalamazoo, in May, 1867, the general association of the Congregational Churches of this State, purporting to represent over 150 Congregational Churches, 149 ministers, and about 9,000 members, implore this Convention not to lend the sanction of our government to a traffic fraught with such terrible evil, to the inhabitants of this State.

The Kalamazoo River Baptist Association, being assembled at Kalamazoo, in June, 1867, send up their solemn protest against any action of this Convention, whereby the traffic in intoxicating liquors shall be made lawful.

The Board of Trustees and Faculty of Albion College, memorialize this Convention to the same effect.

In May, 1867, a Sabbath School Convention of this State was held in Coldwater, composed of about 425 clergymen and teachers, memorialize this Convention in favor of the prohibition of license.

At Jackson, in February, 1867, the Grand Lodge of the order of Good Templars of this State, assembled in State convention, adopted the following resolution, which has been referred to this committee:

Resolved, That this Grand Lodge, representing over thirty-five thousand of the citizens of Michigan, most earnestly and solemnly protest against any action tending to restore the

license system in Michigan, or in any manner to impair the efficiency of the Prohibitory Liquor Laws of the State. That this resolution be published in the papers of the State friendly to the cause, and that a copy of the same be forwarded by the Secretary to the President of the Constitutional Convention, when the Convention shall be organized.

P. BILLS, *Chairman*.

MOTIONS AND RESOLUTIONS.

On motion of Mr. McConnell,

The use of Representative Hall was granted to the Rev. Mr. Dunn, of New York, for the purpose of delivering a lecture on prohibition, this evening.

Mr. Alexander offered the following resolution:

Resolved, That this Convention will adjourn *sine die* on Thursday, the 15th inst.

On motion of Mr. Barber,

The resolution was laid on the table.

Mr. Pratt moved to take from the table the article entitled "Corporations other than Municipal;"

Which motion prevailed.

The question being on the motion of Mr. Farmer to reconsider the vote by which the words "amended or repealed" were inserted after the word "enlarged," in section 1,

It was withdrawn.

Mr. Pratt moved to reconsider the vote by which the word "general," was inserted after the word "every," in the last clause of section 1;

Which motion prevailed.

Mr. McKernan moved to lay the article on the table;

Which motion did not prevail.

The question recurring on inserting the word "general," after the word "every," in the last clause of section 1;

Mr. McKernan demanded the yeas and nays.

The demand was supported and the amendment was not adopted, the following being the vote thereon:

YEAS.

| | | |
|------------|-------------|---------------|
| Mr. Bills, | Mr. Leach, | Mr. Rafter, |
| Coolidge, | Longyear, | Richmond, |
| Desnoyers, | McClelland, | T. G. Smith, |
| Duncan, | McKernan, | W. A. Smith, |
| Harris, | Miller, | Stoughton, |
| Hixson, | Morton, | Turner, |
| Holt, | Musgrave, | Walker, |
| Howard, | Ninde, | Winans, |
| Huston, | Norris, | Woodhouse, 27 |

NAYS.

| | | |
|--------------|----------------|----------------|
| Mr. Aldrich, | Mr. Farmer, | Mr. Mussey, |
| Alexander, | Ferris, | Pratt, |
| Barber, | Germain, | Root, |
| Burtch, | W. F. Goodwin, | Sheldon, |
| Case, | Holmes, | Stockwell, |
| Chapin, | Lovell, | M. C. Watkins, |
| Chapman, | Luce, | Willard, |
| Daniells, | McConnell, | Winsor, |
| Divine, | Miles, | Wright, |
| Elliott, | Murray, | President, |
| Estee, | | 31 |

Mr. Farmer renewed the motion to reconsider the vote by which the words "amended or repealed" were inserted after the word "enlarged," in section 1.

On motion of Mr. Lovell,

The article was laid on the table.

On motion of Mr. Barber,

The Convention went into committee of the whole, on the general order,

Mr. Stoughton in the chair.

IN COMMITTEE OF THE WHOLE.

The committee proceeded to the consideration of the article entitled "Amendment and Revision of the Constitution."

The article having been read, and section 1 being under consideration,

Mr. Mussey moved to amend it by striking out all after the word "electors," in line five, to and including the word "Legislature," in line six;

Which was subsequently withdrawn.

Mr. Morton moved to amend the section by inserting in the fifth line, after the word "electors," the words, "voting at such election." Also by inserting the word "all," between the words "of," and "the," where it first occurs, so it will read: "And if a majority of all the electors, voting at such election," &c.;

Which was not agreed to.

Mr. Croswell moved to amend the section by striking out the words, "the next general election thereafter," in the fifth and sixth lines, and inserting in lieu thereof the words, "at such times as the Legislature shall prescribe;"

Which motion prevailed.

Section 2 being under consideration,

Mr. Alexander moved to amend it by filling the first blank with the word "first," and the second with the word "January," and the third blank with the figures "1888."

Mr. Barber moved to amend the amendmant by striking out the figures "1888," and inserting in lieu, "1880."

A division of the question being called for, and the longest time being in order, the figures "1888" were stricken out.

The amendment of Mr. Barber was then agreed to.

The amendment of Mr. Alexander, as amended, was then adopted.

Mr. Miles moved to amend section 2, by striking out of the first line all to and including the third "—," and insert in place thereof the words "at its regular session in the year one thousand eight hundred and eighty-five;"

Which motion was lost.

Mr. Longyear moved to amend the section by striking out of line one the words, "at any time after the first day of January, A. D. 1880," and inserting after the word "may," at the end of the first line, the words, "at any time."

Mr. Barber called for a division of the question.

The question being on striking out the words proposed,

The motion did not prevail.

Mr. Turner offered the following substitute for the section:

Sec. 2. If at any time a majority of the Senate and House of Representatives shall think it necessary to revise or change the entire Constitution, they shall recommend to the electors at the next election for members of the Legislature, to vote for or against a Convention; and if it shall appear that a majority of the electors, voting at such election upon that question, have voted in favor of calling a Convention, the Legislature shall, at its next session, provide by law for calling a Convention, to be holden within six months after the passage of such law; and such Convention shall consist of a number of members not less than that of the House of Representatives.

The substitute was not adopted.

Mr. Burtch moved to strike out section 2;

Which motion was lost.

The Convention proceeded to the consideration of Article —, entitled "Salaries."

The article having been read, and section 1 being under consideration,

Mr. McClelland moved to amend it by striking out the word "not," in the tenth line.

Mr. Holt moved to amend the amendment by striking out the word "not," in the tenth line, and inserting the words "or decrease," in the eleventh line, and add the following words at the end of said line, "but such salaries shall not be increased or decreased during the term of office for which such officers were respectively elected.."

Mr. Huston offered the following substitute for the section:

Section 1. The Governor, Secretary of State, State Treasurer, Commissioner of the State Land Office, Superintendent of Public Instruction, Auditor General and Attorney General shall reside, during the terms of their respective offices, at the State Capital, and shall receive respectively the following annual salaries: The Governor, four thousand dollars; the Secretary of State, twenty-five hundred dollars; the State Treasurer, three thousand dollars; the Commissioner of the State Land Office, twenty-five hundred dollars; the Superintendent of Public In-

struction, twenty-five hundred dollars; the Auditor General three thousand dollars; and the Attorney General, twenty-five hundred dollars.

The judges of the Supreme Court shall receive an annual salary of three thousand five hundred dollars; the judges of the Circuit Court shall receive an annual salary of three thousand dollars. None of the officers enumerated in this section shall receive any fees or perquisites whatever, for the performance of any duties connected with their offices. It shall not be competent for the Legislature to increase the salaries herein provided.

Mr. Morton moved that the committee rise, report the article entitled "Amendment and Revision of the Constitution," back to the Convention and ask concurrence in the amendments made thereto, and ask to be discharged from its further consideration, and report progress, and ask leave to sit again on the article entitled "Salaries."

The motion prevailed.

IN CONVENTION.

The committee, through the chairman, made the following report:

The committee of the whole have had under consideration Article —, entitled "Amendment and Revision of the Constitution;"

Have made sundry amendments thereto, and have directed their chairman to report the same back to the Convention, asking concurrence therein, and recommend its passage.

The committee of the whole have also had under consideration the article entitled "Salaries;"

Have made some progress therein, but not having gone through therewith, have directed me to report that fact to the Convention, and ask leave to sit again.

WM. L. STOUGHTON, *Chairman.*

The report was accepted.

The committee was discharged from the further consideration

of the article entitled "Amendment and Revision of the Constitution," and the question being on concurring in the amendments made to the article by the committee,

On motion of Mr. Farmer,

The article and amendments were laid on the table.

Leave was granted the committee to sit again on the last named article.

On motion of Mr. Holt,

The Convention took a recess until 2½ o'clock P. M.

AFTERNOON SESSION.

2½ o'clock P. M.

The Convention was called to order by the President.

Roll called: a quorum present.

On motion of Mr. Lovell,

The Convention went into committee of the whole on the general order,

Mr. Stoughton in the chair.

IN COMMITTEE OF THE WHOLE.

The committee resumed the consideration of the Article entitled "Salaries."

The amendment of Mr. Holt to the amendment of Mr. McClelland, was withdrawn.

The question being on the amendment of Mr. McClelland,

It was not adopted.

Mr. Coolidge moved to strike out the section.

Mr. M. C. Watkins moved to amend the section by striking out of line one, the word "three," and inserting the word "two;" also, by striking out the word "two," in the second line, and inserting the word "one;" also, by striking out the words "three thousand," in the eighth line, and inserting the words "twenty-five hundred."

Mr. Mussey called for a division of the question;

The question being on the first clause of the amendment,

It was not agreed to.

The question being on the second clause of the amendment,

Mr. Coolidge offered the following as a substitute therefor:

"The Secretary of State shall, at stated times, receive a compensation for his services, to be fixed by law;"

Which was not adopted.

Mr. Chapin moved as a substitute for the second clause, that the salary of the Secretary of State be fixed at fifteen hundred dollars;

Which motion prevailed.

The question being on the third clause of the amendment,

It was not agreed to.

Mr. Stockwell moved to amend the section, by striking out of the third line the words, "twenty-five hundred," and inserting in lieu thereof the words, "two thousand;"

Which motion prevailed.

Mr. Farmer moved to amend the section by striking out of line four the words "two thousand," and inserting in lieu thereof "fifteen hundred;"

Which motion prevailed.

Mr. Farmer moved to further amend the section by striking out of line six the words, "twenty-five hundred," and inserting "two thousand;"

Which motion was lost.

Mr. Ferris moved to amend the section by striking out of the ninth line the words, "twenty-five hundred," and inserting in lieu the words "three thousand;"

Which motion did not prevail.

Mr. Root moved to amend the section by striking out of the fifth line the words, "two thousand," and inserting "fifteen hundred."

Mr. Burtch moved that the committee rise, report progress, and ask leave to sit again.

The motion did not prevail.

The amendment of Mr. Root was not agreed to.

Mr. Ferris moved that the committee rise, report progress, and ask leave to sit again;

Which motion prevailed.

IN CONVENTION.

The committee, through the chairman, submitted the following report:

The committee of the whole have had under consideration Article —, entitled "Salaries;"

Have made some progress therein, but not having gone through therewith, have directed me to report that fact to the Convention, and ask leave to sit again.

WM. L. STOUGHTON, *Chairman*.

Report accepted and leave granted the committee to sit again.

On motion of Mr. Estee,

The Convention adjourned.

SIXTY-FIRST DAY.

Lansing, Wednesday, August 7, 1867.

The Convention was called to order by the President, at 9 o'clock A. M.

Prayer by Rev. Mr. McIntire.

Roll called: a quorum present.

Mr. Howard asked and obtained leave of absence, during the afternoon.

MOTIONS AND RESOLUTIONS.

On motion of Mr. Giddings,

The article entitled "Legislative Department," was taken from the table.

The pending question being on the adoption of the substitute of Mr. Lothrop as amended, for the amendment made by the committee of the whole to section 31 of the article, inserting therein the words, "nor pass any act authorizing the grant of

license for the sale of ardent spirits or intoxicating liquors, as a beverage," which substitute is as follows:

At the election when this Constitution shall be submitted to the electors of this State for adoption or rejection, there shall also be separately submitted to such electors the two following provisions:

No. 1.

The Legislature shall not pass any act authorizing the grant of license for the sale of ardent spirits or intoxicating liquors.

No. 2.

The Legislature shall provide for the regulation and restriction of the sale of intoxicating drinks, and shall impose a tax upon the traffic therein. The sale of such drinks to minors, persons under guardianship, paupers and common drunkards, shall be wholly prohibited, and all necessary laws shall be passed to enforce such prohibition. The annual tax in any case upon the traffic, shall not be less than one hundred dollars.

A separate ballot upon each provision may be given by any elector, which shall be deposited in a ballot-box provided for that purpose. On the ballots in favor of the adoption of the above provision No. 1, shall be the words, "Prohibition—Yes;" and upon the ballots in favor of the above provision No. 2, shall be the words, "Restriction—Yes;" and upon the head or outside of all said ballots, shall be the words, "Prohibition or Restriction," placed in such manner that the same shall be visible when the ballot is folded. If, upon the canvass of such ballots cast at said election, a majority thereof shall be found to contain the words, "Prohibition—Yes," then said provision No. 1 shall become and stand as section —, of Article —, of this Constitution, if it shall be adopted; but if a majority of such ballots shall contain the words, "Restriction—Yes," then the above provision No. 2 shall become and stand as section —, of Article —, of this Constitution, if the same be adopted.

On motion of Mr. McClelland,

The rule restricting the time allowed to speakers to ten minutes was suspended for the day.

Mr. Blackman moved to amend the substitute by adding to clause No. 2 the following:

“The Legislature may also provide for the seizure and confiscation or destruction of intoxicating liquors in possession of persons selling the same in violation of law.”

Pending the debate thereon,

On motion of Mr. Estee,

The Convention took a recess until 2½ o'clock.

AFTERNOON SESSION.

2½ o'clock P. M.

The Convention was called to order by the President.

Roll called: a quorum present.

Mr. Conger asked and obtained leave of absence for Mr. Miles, during the afternoon, on account of sickness.

The Convention resumed the consideration of the article entitled “Legislative Department.”

The question being on the amendment of Mr. Blackman to the substitute of Mr. Lothrop as amended, for the clause in section 31, relating to prohibition of license;

Pending the debate, Mr. Pratt having the floor,

On motion of Mr. Wm. A. Smith,

The Convention took a recess until 7½ o'clock.

EVENING SESSION.

7½ o'clock P. M.

The Convention was called to order by the President.

Roll called: a quorum present.

The Convention resumed the consideration of the article entitled “Legislative Department.”

The question being on the amendment of Mr. Blackman to the substitute of Mr. Lothrop as amended, for the amendment

made to section 31 in committee of the whole, relative to prohibition of license,

After considerable debate,

Mr. Parsons moved that when the Convention adjourn to-night, it be to 8 o'clock to-morrow morning;

Which motion prevailed.

Mr. Norris moved that the Convention adjourn;

Which motion did not prevail.

After further debate on the pending question,

On motion of Mr. Barber,

The Convention adjourned until 8 o'clock to-morrow morning.

SIXTY-SECOND DAY.

Lansing, Thursday, August 8, 1867.

The Convention was called to order by the President at 8 o'clock A. M.

Prayer by Rev. Mr. McIntire.

Roll called: a quorum present.

Absent at roll call, Mr. Wright.

Mr. Turner asked and obtained leave of absence after to-day, until Monday next.

Mr. Elliott asked and obtained leave of absence for Mr. Wright, for an indefinite time, on account of sickness.

Mr. Howard asked and obtained leave of absence after to-day, until Monday next.

Mr. Germain asked and obtained leave of absence after to-day, until Tuesday next.

Mr. Henderson asked and obtained leave of absence for Mr. Thompson, for an indefinite time, on account of sickness.

Mr. Pratt asked and obtained leave of absence after to-day, until Wednesday next.

PRESENTATION OF PETITIONS.

By Mr. Parsons: petition of A. H. Wescott, A. Garrison and 140 others, legal voters of the township of Vernon, Shiawassee

county, praying for the adoption of some provision for the proper taxation of dogs.

Referred to the committee on finance and taxation.

MOTIONS AND RESOLUTIONS.

Mr. Withey moved that the ten minute rule be suspended until 9½ o'clock;

Which motion did not prevail.

UNFINISHED BUSINESS.

The Convention resumed the consideration of the article entitled "Legislative Department."

The question being on the amendment of Mr. Blackman, to the substitute of Mr. Lothrop as amended, for the clause in section 31, relating to prohibition of license,

The amendment was withdrawn.

The question recurring on the substitute as amended,

Mr. Alexander moved to amend proposition No. 1, by adding to it the words, "and this proposition shall be submitted to the people as a separate question."

Mr. Conger demanded the yeas and nays;

The demand was supported, and the amendment was not adopted, the following being the vote thereon:

YEAS.

| | | |
|-------------|-------------|---------------|
| Mr. Aldrich | Mr. Ferris, | Mr. Purcell, |
| Alexander, | Giddings, | Rafter, |
| Coolidge, | Holt, | Sawyer, |
| Conger, | Lothrop, | Shearer, |
| Corbin, | Lovell, | W. E. Warner, |
| Crocker, | McKernan, | Winans, |
| Daniells, | Miles, | Winsor, |
| Desnoyers, | Morton, | Withey, |
| Duncombe, | Ninde, | President, |
| Farmer, | Parsons, | |

29

NAYS.

| | | |
|-------------|-------------|--------------|
| Mr. Andrus, | Mr. Hixson, | Mr. Sheldon, |
| Barber, | Holmes, | T. G. Smith, |
| Bills, | Howard, | W. A. Smith, |
| Blackman, | Huston, | Stockwell, |
| Bradley, | Kenney, | Stoughton, |

| | | |
|----------------|-------------|-----------------|
| Brown, | Lawrence, | Turner, |
| Burtch, | Leach, | Tyler, |
| Case, | Luce, | Van Riper, |
| Chapin, | McClelland, | Van Valkenburg, |
| Chapman, | McConnell, | Walker, |
| Divine, | Miller, | P. D. Warner, |
| Duncan, | Murray, | M. C. Watkins, |
| Elliott, | Mussey, | White, |
| Estee, | Musgrave, | Willard, |
| Germain, | Norris, | Williams, |
| W. F. Goodwin, | Pratt, | Woodhouse, |
| Harris, | Richmond, | Yeomans, |
| Henderson, | Root, | 53 |

The question recurring on the substitute of Mr. Lothrop, as amended,

Mr. Huston demanded the yeas and nays;

The demand was supported, and the substitute was not adopted, the following being the vote thereon:

YEAS.

| | | |
|--------------|-------------|---------------|
| Mr. Aldrich, | Mr. Holt, | Mr. Purcell, |
| Chapman, | Lawrence, | Rafter, |
| Coolidge, | Longyear, | Richmond, |
| Conger, | Lothrop, | Sawyer, |
| Corbin, | Lovell, | Shearer, |
| Crocker, | McClelland, | W. A. Smith, |
| Daniells, | McKernan, | Turner, |
| Desnoyers, | Miles, | W. E. Warner, |
| Estee, | Morton, | Winans, |
| Ferris, | Ninde, | Winsor, |
| Giddings, | Norris, | Withey, |
| Hixson, | Parsons, | President, 36 |

NAYS.

| | | |
|----------------|--------------------|-----------------|
| Mr. Alexander, | Mr. W. F. Goodwin, | Mr. Sheldon, |
| Andrus, | Harris, | T. G. Smith, |
| Barber, | Henderson, | Stockwell, |
| Bills, | Holmes, | Stoughton, |
| Blackman, | Howard, | Tyler, |
| Bradley, | Huston, | Van Riper, |
| Brown, | Kenney, | Van Valkenburg, |
| Burtch, | Leach, | Walker, |
| Case, | Luce, | P. D. Warner, |
| Chapin, | McConnell, | M. C. Watkins, |
| Divine, | Miller, | White, |
| Duncan, | Murray, | Willard, |

Duncombe,
Elliott,
Farmer,
Germain,

Mussey,
Musgrave,
Pratt,
Root,

Williams,
Woodhouse,
Yeomans,

47

Mr. Withey offered the following as a substitute for the clause under consideration:

“The Legislature shall provide for the regulation and restriction, and may prohibit the sale of intoxicating drinks, and shall impose a tax upon the traffic therein.

“The sale of such drinks to minors, persons under guardianship, paupers and common drunkards, shall be wholly prohibited, and all necessary laws shall be passed to enforce such prohibition. The annual tax in any case upon the traffic shall not be less than \$200.

“No license for the sale of ardent spirits or intoxicating liquors shall be authorized.

“At the election when this Constitution shall be submitted to the electors of this State for adoption or rejection, the foregoing provision shall be separately submitted to such electors.”

Debate not being in order,

Mr. Withey asked leave to explain his proposition.

Objection being made,

Mr. Conger moved that leave be granted.

Mr. Turner demanded the yeas and nays.

The demand was supported and leave was granted, the following being the vote thereon:

YEAS.

Mr. Aldrich,
Barber,
Brown,
Chapin,
Chapman,
Coolidge,
Conger,
Corbin,
Crocker,
Daniells,
Desnoyers,
Divine,

Mr. Giddings,
W. F. Goodwin,
Henderson,
Hixson,
Holt,
Howard,
Lawrence,
Lothrop,
Luce,
McClelland,
McKernan,
Miles,

Mr. Norris,
Parsons,
Pratt,
Rafter,
Richmond,
Shearer,
T. G. Smith,
W. A. Smith,
Stoughton,
Turner,
Tyler,
Walker,

Estee,
Farmer,
Ferris,
Germain,

Morton,
Musgrave,
Ninde,

Winans,
Winsor,
President,

46

NAYS.

Mr. Alexander,
Andrus,
Bills,
Blackman,
Bradley,
Burtch,
Case,
Duncan,
Elliott,
Harris,

Mr. Holmes,
Huston,
Kenney,
Leach,
Lovell,
McConnell,
Miller,
Murray,
Mussey,
Root,

Mr. Sheldon,
Stockwell,
Van Riper,
Van Valkenburg,
P. D. Warner,
M. C. Watkins,
White,
Willard,
Woodhouse,
Yeomans, 30

The question being on the adoption of the substitute offered by Mr. Withey,

Mr. Giddings demanded the yeas and nays.

The demand was supported and the substitute was not adopted, the following being the vote thereon:

YEAS.

Mr. Aldrich,
Brown,
Chapman,
Coolidge,
Conger,
Corbin,
Crocker,
Daniells,
Desnoyers,
Duncombe,
Estee,
Farmer,
Ferris,

Mr. Giddings,
Hixson,
Holt,
Lawrence,
Lothrop,
Lovell,
McClelland,
McKernan,
Miles,
Morton,
Ninde,
Norris,
Parsons,

Mr. Purcell,
Rafter,
Richmond,
Sawyer,
Shearer,
W. A. Smith,
Turner,
W. E. Warner,
Winans,
Winsor,
Withey,
Williams,
President, 39

NAYS.

Mr. Alexander,
Andrus,
Barber,
Bills,
Blackman,
Bradley,
Burtch,
Case,

Mr. Henderson,
Holmes,
Howard,
Huston,
Kenney,
Leach,
Luce,
McConnell,

Mr. Sheldon,
T. G. Smith,
Stockwell,
Stoughton,
Tyler,
Van Riper,
Van Valkenburg,
Walker,

81

| | | |
|----------------|-----------|----------------|
| Chapin, | Miller, | P. D. Warner, |
| Divine, | Murray, | M. C. Watkins, |
| Duncan, | Mussey, | White, |
| Elliott, | Musgrave, | Willard, |
| Germain, | Pratt, | Woodhouse, |
| W. F. Goodwin, | Root, | Yeomans, |
| Harris, | | 43 |

Mr. Burtch offered the following substitute for the clause under consideration:

“It shall be unlawful to vend or sell intoxicating drinks in this State as a beverage; and the Legislature may provide by law such penalties as they may deem proper, and regulate the sale thereof for medicinal and and mechanical purposes;”

Which was not adopted.

The question recurring on concurring in the amendment made by the committee of the whole to section 31 of the article, inserting therein the words, “nor pass any act authorizing the grant of license for the sale of ardent spirits or intoxicating liquors,”

Mr. McClelland demanded the yeas and nays;

The demand was supported, and the amendment was concurred in, the following being the vote thereon:

YEAS.

| | | |
|----------------|-------------|-----------------|
| Mr. Andrus, | Mr. Harris, | Mr. Sheldon, |
| Barber, | Henderson, | T. G. Smith, |
| Bills, | Holmes, | Stockwell, |
| Blackman, | Howard, | Stoughton, |
| Bradley, | Huston, | Tyler, |
| Case, | Kenney, | Van Riper, |
| Chapin, | Leach, | Van Valkenburg, |
| Divine, | Luce, | Walker, |
| Duncan, | McConnell, | P. D. Warner, |
| Duncombe, | Miller, | M. C. Watkins, |
| Elliott, | Murray, | White, |
| Ferris, | Mussey, | Willard, |
| Germain, | Musgrave, | Williams, |
| Giddings, | Pratt, | Woodhouse, |
| W. F. Goodwin, | Root, | Yeomans, |
| | | 45 |

NAYS.

| | | |
|--------------|-------------|---------------|
| Mr. Aldrich, | Mr. Farmer, | Mr. Purlcell, |
| Alexander, | Hixson, | Rafter, |

| | | |
|------------|-------------|---------------|
| Brown, | Lawrence, | Richmond, |
| Burtch, | Longyear, | Sawyer, |
| Chapman, | Lothrop, | Shearer, |
| Coolidge, | Lovell, | W. A. Smith, |
| Conger, | McClelland, | Turner, |
| Corbin, | McKernan, | W. E. Warner, |
| Crocker, | Morton, | Winans, |
| Daniells, | Ninde, | Winsor, |
| Desnoyers, | Norris, | Withey, |
| Estee, | Parsons, | President, 36 |

Mr. Howard moved that Mr. Burtch be excused from voting;
Which motion did not prevail.

Mr. Burtch then voted as recorded.

The hour for the special order of the day having arrived,

Mr. Conger moved that the "Third reading of Articles" be postponed until the article entitled "Legislative Department" is disposed of;

Which motion prevailed.

The consideration of the article being resumed,

Mr. Conger offered the following substitute for the pending amendment, adopted as a new section in committee of the whole:

Sec. —. The Legislature shall not authorize any city or township to raise by tax in aid of any railroad company or companies, in any one year, an amount of money exceeding ten per centum of the assessed valuation of such city or township; and in case such municipality shall have pledged its credit in aid of any such company or companies, in pursuance of the provisions of the preceding section, the amount of tax so authorized shall not exceed ten per centum of such valuation, including the amount of such credit, exclusive of interest. No such tax shall be levied without being first approved by a majority vote of the electors of such city or township voting thereon, except for the purpose of paying the indebtedness thereof for credit pledged.

Mr. Stockwell moved to amend the amendment by striking out the word "one," in the fourth line, and inserting in lieu the word "five."

Mr. Stockwell demanded the yeas and nays;

The demand was supported, and the amendment was not adopted, the following being the vote thereon:

YEAS.

| | | |
|-------------|--------------|----------------|
| Mr. Bills, | Mr. Miller, | Mr. Stockwell, |
| Blackman, | Morton, | Van Riper, |
| Ferris, | Murray, | Walker, |
| Germain, | Norris, | P. D. Warner, |
| Hixson, | Pratt, | W. E. Warner, |
| Howard, | Purcell, | White, |
| Lothrop, | Rafter, | Yeomans, |
| McClelland, | Shearer, | President, |
| McConnell, | W. A. Smith, | |

26

NAYS.

| | | |
|--------------|----------------|-----------------|
| Mr. Aldrich, | Mr. Elliott, | Mr. Mussey, |
| Alexander, | Estee, | Musgrave, |
| Andrus, | Farmer, | Ninde, |
| Barber, | Giddings, | Parsons, |
| Bradley, | W. F. Goodwin, | Root, |
| Brown, | Harris, | Sheldon, |
| Case, | Henderson, | Stoughton, |
| Chapin, | Holmes, | Turner, |
| Chapman, | Huston, | Tyler, |
| Coolidge, | Kenney, | Van Valkenburg, |
| Conger, | Lawrence, | M. C. Watkins, |
| Crocker, | Leach, | Willard, |
| Daniells, | Longyear, | Winans, |
| Desnoyers, | Lovell, | Winsor, |
| Divine, | Luce, | Withey, |
| Duncan, | McKernan, | Woodhouse, |

48

Mr. Pratt moved that the article be laid on the table, and the amendment printed in the journal;

Which motion was lost.

The question recurring on the substitute of Mr. Conger,

Mr. Lothrop demanded the yeas and nays;

The demand was sustained, and the substitute was not adopted, the following being the vote thereon:

YEAS.

| | | |
|--------------|-------------|---------------|
| Mr. Aldrich, | Mr. Ferris, | Mr. Musgrave, |
| Andrus, | Giddings, | Ninde, |
| Bradley, | Harris, | Parsons, |
| Burtch, | Henderson, | Richmond, |

Case,
Chapin,
Chapman,
Coolidge,
Conger,
Daniells,
Divine,
Estee,
Farmer,

Huston,
Lawrence,
Leach,
Longyear,
Lovell,
Luce,
McKernan,
Mussey,

Shearer,
T. G. Smith,
Stoughton,
Turner,
Van Riper,
Willard,
Winans,
Woodhouse,

37

NAYS.

Mr. Alexander,
Barber,
Bills,
Blackman,
Brown,
Corbin,
Crocker,
Duncan,
Duncombe,
Elliott,
Germain,
W. F. Goodwin,
Hixson,
Holmes,

Mr. Holt,
Howard,
Kenney,
Lothrop,
McClelland,
McConnell,
Miller,
Morton,
Murray,
Norris,
Pratt,
Purcell,
Rafter,
Root,

Mr. Sheldon,
W. A. Smith,
Stockwell,
Tyler,
Van Valkenburg,
Walker,
P. D. Warner
W. E. Warner
M. C. Watkins,
White,
Winsor,
Withey,
Yeomans,
President,

42

The amendment made in committee of the whole was then concurred in.

The question being on adopting the following, to stand as a new section, reported by the committee on crimes and punishments:

Sec. —. The Legislature shall provide by law for the punishment of murder of the first degree by death,

Mr. Norris demanded the yeas and nays;

The demand was supported, and the amendment was not concurred in, the following being the vote thereon:

YEAS.

Mr. Andrus,
Bradley,
Brown,
Case,
Chapman,
Coolidge,
Corbin,
Daniells,

Mr. Holmes,
Huston,
Kenney,
Lawrence,
McClelland,
McConnell,
McKernan,
Miller,

Mr. Richmond,
Root,
Sheldon,
T. G. Smith,
W. A. Smith,
Stoughton,
Tyler,
Van Valkenburg,

| | | |
|------------|-----------|---------------|
| Desnoyers, | Morton, | P. D. Warner, |
| Elliott, | Musgrave, | White, |
| Estee, | Pratt, | Winsor, |
| Harris, | Rafter, | Yeomans, |

36

NAYS.

| | | |
|--------------|----------------|----------------|
| Mr. Aldrich, | Mr. Giddings, | Mr. Parsons, |
| Alexander, | W. F. Goodwin, | Purcell, |
| Barber, | Henderson, | Shearer, |
| Bills, | Hixson, | Stockwell, |
| Blackman, | Holt, | Turner, |
| Burtch, | Howard, | Van Riper, |
| Chapin, | Leach, | Walker, |
| Conger, | Longyear, | W. E. Warner, |
| Crocker, | Lothrop, | M. C. Watkins, |
| Divine, | Lovell, | Willard, |
| Duncan, | Luce, | Winans, |
| Duncombe, | Murray, | Withey, |
| Farmer, | Ninde, | Woodhouse, |
| Ferris, | Norris, | President, |
| Germain, | | |

43

Amendments to the body of the article being in order,

Mr. Leach moved to amend section 3, by striking out of the first line the words, "one hundred members," and inserting in lieu thereof the words, "not more than one hundred and ten members;"

Mr. Estee moved that the Convention take a recess;

Which motion was lost.

The amendment of Mr. Leach was then adopted.

Mr. Leach moved to further amend section 3, by inserting in the 4th line, after the word "territory," the following: "but very organized county containing a population of not less three thousand, and every two or more contiguous organized counties, containing a like population, shall constitute a Representative District, and be entitled to one Representative."

Mr. Burtch moved that the Convention adjourn;

Which motion was lost.

On motion of Mr. Daniells,

The Convention took a recess until 2½ o'clock P. M.

AFTERNOON SESSION.

2½ o'clock P. M.

The Convention was called to order by the President.

Roll called: a quorum present.

The Convention resumed the consideration of the article entitled "Legislative Department."

The question being on the adoption of the amendment offered by Mr. Leach, to section 3,

Mr. Blackman moved to amend it, by substituting therefor, the following:

"Each county hereafter organized, with such territory as may be attached thereto, shall be entitled to a separate Representative when it shall have attained a population equal to a moiety of the ratio of representation."

Mr. Blackman demanded the yeas and nays;

The demand was not supported.

The amendment of Mr. Blackman to the amendment of Mr. Leach was not adopted.

The question recurring on the amendment of Mr. Leach,

Mr. Blackman demanded the yeas and nays;

Mr. Stockwell moved to strike out the word "three," before the word "thousand," and insert in lieu thereof the word "four;"

Which was accepted.

Mr. Lothrop moved to strike out the words, "four thousand," and insert in lieu thereof the words, "one-half of the ratio of representation for the time being."

Mr. McClelland demanded the yeas and nays;

The demand was supported, and the motion to amend the amendment was lost, the following being the vote thereon:

YEAS.

Mr. Aldrich,
Barber,
Bills,
Blackman,
Brown,
Corbin,

Mr. Lawrence,
Lothrop,
Lovell,
Luce,
McClelland,
McConnell,

Mr. Richmond,
Root,
Shearer,
W. A. Smith,
Stoughton,
Tyler,

Crocker,
Desnoyers,
Duncombe,
Elliott,
W. F. Goodwin,
Henderson,
Hixson,

Miller,
Morton,
Murray,
Ninde,
Norris,
Pratt,
Rafter,

Van Riper,
P. D. Warner,
W. E. Warner,
M. C. Watkins,
Willard,
Winans,
President, 39

NAYS.

Mr. Alexander,
Andrus,
Bradley,
Burtch,
Case,
Chapin,
Chapman,
Coolidge,
Conger,
Daniells,
Divine,
Duncan,
Estee,
Farmer,

Mr. Ferris,
Germain,
Giddings,
Harris,
Holmes,
Holt,
Howard,
Huston,
Kenney,
Leach,
Longyear,
McKernan,
Mussey,

Mr. Musgrave,
Parsons,
Purcell,
T. G. Smith,
Stockwell,
Turner,
Van Valkenburg,
Walker,
White,
Winsor,
Withey,
Woodhouse,
Yeomans, 40

The question recurring on the amendment offered by Mr. Leach,

The demand for the yeas and nays was supported, and the amendment was adopted, the following being the vote thereon:

YEAS.

Mr. Aldrich,
Alexander,
Andrus,
Bradley,
Burtch,
Case,
Chapin,
Chapman,
Coolidge,
Conger,
Daniells,
Divine,
Duncan,
Elliott,
Estee,
Farmer,
Ferris,
Germain,

Mr. Giddings,
W. F. Goodwin,
Harris,
Henderson,
Holmes,
Holt,
Howard,
Huston,
Kenney,
Lawrence,
Leach,
Longyear,
Lovell,
McConnell,
McKernan,
Mussey,
Musgrave,

Mr. Parsons,
Pratt,
Sheldon,
T. G. Smith,
Stockwell,
Turner,
Van Riper,
Van Valkenburgh,
Walker,
P. D. Warner,
M. C. Watkins,
White,
Willard,
Winsor,
Withey,
Woodhouse,
Yeomans,

NAYS.

| | | |
|-------------|--------------|---------------|
| Mr. Barber, | Mr. Lothrop, | Mr. Richmond, |
| Bills, | Luce, | Root, |
| Blackman, | McClelland, | Shearer, |
| Brown, | Miller, | W. A. Smith, |
| Corbin, | Morton, | Stoughton, |
| Crocker, | Murray, | Tyler, |
| Desnoyers, | Ninde, | W. E. Warner, |
| Duncombe, | Norris, | Winans, |
| Hixson, | Purcell, | President, 27 |

Mr. McClelland moved to amend section three by inserting between the words "territory" and "in," in the fourth line, the following:

"But no township or city shall be divided in the formation of a representative district. When any township or city shall contain a population which entitles it to more than one representative, then such township or city shall elect by general ticket, the number of representatives to which it is entitled."

Mr. McClelland demanded the yeas and nays;

The demand was supported, and the amendment was not adopted, the following being the vote thereon:

YEAS.

| | | |
|------------|-----------------|---------------|
| Mr. Bills, | Mr. McClelland, | Mr. Rafter, |
| Bradley, | McKernan, | Richmond, |
| Crocker, | Morton, | Shearer, |
| Desnoyers, | Ninde, | W. A. Smith, |
| Hixson, | Norris, | W. E. Warner, |
| Lawrence, | Pratt, | Winans, |
| Lothrop, | Purcell, | 20 |

NAYS.

| | | |
|--------------|----------------|-----------------|
| Mr. Aldrich, | Mr. Ferris, | Mr. Sheldon, |
| Alexander, | Germain, | T. G. Smith, |
| Andrus, | Giddings, | Stockwell, |
| Barber, | W. F. Goodwin, | Stoughton, |
| Blackman, | Harris, | Turner, |
| Brown, | Holmes, | Tyler, |
| Case, | Howard, | Van Riper, |
| Chapin, | Huston, | Van Valkenburg, |
| Chapman, | Kenney, | Walker, |
| Coolidge, | Leach, | P. D. Warner, |
| Conger, | Lovell, | M. C. Watkins, |
| Daniells, | McConnell, | White, |

Divine,
Duncan,
Duncombe,
Elliott,
Estee,
Farmer,

Miller,
Murray,
Musgrave,
Parsons,
Root,

Willard,
Winsor,
Withey,
Woodhouse,
Yeomans,

52

Mr. McClelland moved to amend section 5 by adding thereto the following:

"No person elected a member of the Legislature shall receive any civil appointment within this State, or to the Senate of the United States, from the Governor, the Governor and Senate, from the Legislature, or any other State authority, during the term for which he is elected. All such appointments, and all votes given for any person so elected for any such office or appointment, shall be void."

Mr. McClelland demanded the yeas and nays.

Mr. Blackman moved to amend the amendment by inserting the words, "except notaries public," after the word "appointment;"

Which motion prevailed.

The question recurring on the amendment as amended,

The demand for the yeas and nays was supported, and the amendment was not adopted, the following being the vote thereon:

YEAS.

Mr. Alexander,
Blackman,
Brown,
Burtch,
Chapman,
Coolidge,
Corbin,
Crocker,
Desnoyers,
Duncan,
Duncombe,
Elliott,

Mr. Ferris,
Germain,
W. F. Goodwin,
Harris,
Hixson,
Huston,
Kenney,
Lothrop,
Lovell,
McClelland,
McConnell,
Miller,

Mr. Ninde,
Norris,
Rafter,
Richmond,
Shearer,
W. A. Smith,
Van Valkenburg,
P. D. Warner,
W. E. Warner,
Withey,
Yeomans,

35

NAYS.

Mr. Aldrich,
Andrus,

Mr. Holt,
Howard,

Mr. Sheldon,
T. G. Smith,

| | | |
|------------|-----------|----------------|
| Barber, | Lawrence, | Stockwell, |
| Bills, | Leach, | Stoughton, |
| Case, | Longyear, | Turner, |
| Chapin, | Luce, | Tyler, |
| Conger, | McKernan, | Van Riper, |
| Daniells, | Morton, | Walker, |
| Divine, | Murray, | M. C. Watkins, |
| Estee, | Mussey, | White, |
| Farmer, | Musgrave, | Willard, |
| Giddings, | Parsons, | Winans, |
| Henderson, | Pratt, | Winsor, |
| Holmes, | Root, | Woodhouse, 42 |

Mr. Miller moved to amend section 3, by striking out of lines three and four, the words "including civilized persons of Indian descent not members of any tribe;"

Which motion prevailed.

On motion of Mr. Conger,

The vote by which the amendment was adopted was reconsidered.

The question recurring on the adoption of the amendment,
It was adopted.

Mr. Norris moved to amend section 3, by striking out of the 2d line, the words "and by single districts," and by striking out all after the word "territory," in the 4th line.

Mr. Norris demanded the yeas and yeas;

The demand was supported, and the amendment was not adopted, the following being the vote thereon:

YEAS.

| | | |
|--------------|-------------|---------------|
| Mr. Crocker, | Mr. Morton, | Mr. Richmond, |
| Desnoyer, | Ninde, | Shearer, |
| Hixson, | Norris, | W. A. Smith, |
| Lawrence, | Purcell, | W. E. Warner, |
| McClelland, | Rafter, | Winans, 15 |

NAYS.

| | | |
|--------------|----------------|--------------|
| Mr. Aldrich, | Mr. Ferris | Mr. Pratt, |
| Alexander, | Germain, | Root, |
| Andrus, | Giddings, | Sheldon, |
| Barber, | W. F. Goodwin, | T. G. Smith, |
| Bills, | Harris, | Stockwell, |
| Blackman, | Henderson, | Stoughton, |
| Bradley, | Holmes, | Turner, |

| | | |
|-----------|------------|-----------------|
| Brown, | Howard, | Tyler, |
| Burtch, | Huston, | Van Riper, |
| Case, | Kenney, | Van Valkenburg, |
| Chapin, | Leach, | Walker, |
| Chapman, | Longyear, | P. D. Warner, |
| Coolidge, | Lovell, | M. C. Watkins, |
| Conger, | Luce, | White, |
| Daniells, | McConnell, | Willard, |
| Divine, | McKernan, | Winsor, |
| Duncan, | Miller, | Withey, |
| Duncombe, | Murray, | Woodhouse, |
| Elliott, | Mussey, | Yeomens, |
| Estee, | Musgrave, | President, |
| Farmer, | Parsons, | |

62

Mr. Holt offered the following substitute for section 8:

Sec. 8. The Legislature shall meet on the first Wednesday of January, in the year one thousand eight hundred and sixty-nine, and on the first Wednesday of January of each year thereafter, but at no other time except as provided in this Constitution. The time of meeting shall be at 11 o'clock in the forenoon, and the time of final adjournment shall be at 12 o'clock, noon.

Mr. McClelland demanded the yeas and nays.

Mr. Mussey moved to amend the original section by striking out the word "second," where it occurs in lines one and two, and insert in lieu thereof the word "first;"

Which motion prevailed.

The question recurring on the adoption of the substitute of Mr. Holt for section eight,

The demand for the yeas and nays was supported, and the substitute was adopted, the following being the vote thereon:

YEAS.

| | | |
|--------------|---------------|-----------------|
| Mr. Aldrich, | Mr. Giddings, | Mr. Rafter, |
| Alexander, | Holt, | Root, |
| Bills, | Howard, | Shearer, |
| Burtch, | Huston, | T. G. Smith, |
| Case, | Lawrence, | Stoughton, |
| Chapin, | Leach, | Turner, |
| Chapman, | Longyear, | Tyler, |
| Coolidge, | Lovell, | Van Riper, |
| Conger, | McKernan, | Van Valkenburg, |

Crocker,
Daniells,
Estee,
Farmer,
Ferris,

Morton,
Murray,
Musgrave,
Parsons,
Pratt,

Willard,
Winsor,
Withey,
Woodhouse,
President, 42

NAYS.

Mr. Andrus,
Barber,
Blackman,
Bradley,
Brown,
Corbin,
Desnoyers,
Divine,
Duncan,
Duncombe,
Elliott,
Germain,

Mr. W. F. Goodwin, Mr. Ninde,
Harris, Purcell,
Henderson, Richmond,
Hixson, Sheldon,
Holmes, Stockwell,
Kenney, Walker,
Luce, P. D. Warner,
McClelland, M. C. Watkins,
McConnell, White,
Miller, Winans,
Mussey, Yeomans,

34

On motion of Mr. Alexander,
The Convention adjourned.

SIXTY-THIRD DAY.

Lansing, Friday, August 9, 1867.

The Convention was called to order by the President at 9½ o'clock A. M.

Prayer by Rev. Mr. McIntire.

Roll called: a quorum present.

Mr. Van Riper asked and obtained leave of absence, for an indefinite time.

Mr. Lothrop asked and obtained leave of absence, after to-day, for the remainder of the session.

Mr. Harris asked and obtained leave of absence, after to-day, until Wednesday next.

Mr. Root asked and obtained leave of absence, after to-day, until Tuesday next.

Mr. W. E. Warner asked and obtained leave for himself, and also for Mr. Purcell, to record their votes on the subject of

“prohibition of license,” and the questions connected therewith, upon which the yeas and nays were taken yesterday.

Objection being made,

On motion of Mr. Withey,

The leave asked was granted.

On motion of Mr. T. G. Smith,

Leave was granted to Mr. Duncombe to record his vote on the same questions.

Messrs. Williams and Sawyer asked and obtained leave to record their votes on the same questions.

REPORTS OF STANDING COMMITTEES.

By the committee on finance and taxation:

The committee on finance and taxation, to whom was referred sundry petitions, praying that the Constitution be so amended that fines shall be credited to the poor fund,

Respectfully report that they have had the same under consideration, and have directed me to report the same back without recommendation, and ask to be discharged from the further consideration of the subject.

D. C. LEACH, *Chairman.*

Report accepted and committee discharged.

The petitions were laid on the table.

By the committee on finance and taxation:

The committee on finance and taxation, to whom was referred sundry resolutions of inquiry,

Respectfully report that they have had the same under consideration, and have directed me to report the same back without recommendation, and ask to be discharged from the further consideration of the subject.

D. C. LEACH, *Chairman.*

Report accepted and committee discharged.

The resolutions were laid on the table.

By the committee on arrangement and phraseology:

The committee on arrangement and phraseology, to whom was referred the article entitled “Judicial Department,”

Respectfully report that they have had the same under consideration, and have directed me to report the same back to the Convention, with the accompanying amendments, recommending that the amendments be concurred in, and ask to be discharged from the further consideration of the subject.

T. NINDE, *Chairman.*

Report accepted and committee discharged.

The article was laid on the table for one day, ordered printed in the journal, and is as follows:

ARTICLE ———.

JUDICIAL DEPARTMENT.

SECTION 1. The judicial power shall be vested in a Supreme Court, in circuit courts, probate courts, justices of the peace, and in such other courts and tribunals as shall be authorized by law.

Sec. 2. The Supreme Court is continued subject to the provisions of this article. The Legislature shall provide for the election of one additional judge, so that the court shall consist of five members, and for a classification of the judges, so that one shall go out of office every two years. The judge having the shortest [time] to serve, shall be Chief Justice during the remainder of his term of office. The term of office of a judge of the Supreme Court shall be ten years.

Sec. 3. The Supreme Court shall have a general superintending control over all other courts and tribunals, and also such appellate jurisdiction as shall be provided by law; and to that end may issue writs of error, certiorari, mandamus, procedendo, prohibition, and all other appropriate writs and process. It shall also have original jurisdiction in cases of mandamus, habeas corpus, proceedings in the nature of quo warranto, and proceedings by scire-facias to vacate letters patent. It shall have such jurisdiction of questions reserved as shall be provided by law. Its jurisdiction in all cases, not embraced in this article, shall be appellate only.

Sec. 4. There shall be held at least four terms of the Supreme

Court annually, one in each of the four judicial districts of the Lower Peninsula of the State, at such times and places as shall be provided by law.

Sec. 5. The Supreme Court shall, by general rules, establish, modify and amend its practice, and may also make all rules that may be necessary for the exercise of its appellate jurisdiction. It may appoint its own clerks and a reporter of its decisions. A concurrence of three judges of said court shall be necessary to a final decision.

The State shall be divided into five judicial districts, four of which shall consist of contiguous territory in the Lower Peninsula, the fifth shall embrace the Upper Peninsula and such portion of the Lower contiguous thereto, as shall be designated. Each judicial district shall be sub-divided into circuits of at least two in number. In each circuit there shall be elected by the electors thereof, one circuit judge, who shall be a resident of the judicial district in which such circuit is formed, who shall hold his office for the term of eight years. It shall be the duty of all the circuit judges to meet at least once in two years, to establish uniform rules of practice in the circuit courts, and to modify the same.

Sec. 7. The Legislature may provide for [the holding of] law terms in the several judicial districts by the judges thereof, with whom may be associated a judge of the Supreme Court. The jurisdiction and powers at such law terms shall be such as may be granted by law. The Legislature may provide for holding a term or terms of the circuit court by a judge of the Supreme Court.

Sec. 8. A circuit court shall be held at least twice in each year, in every county organized for judicial purposes, and at least three times in each year in counties containing ten thousand inhabitants. The judges of the circuit courts in each judicial district, shall hold the terms thereof either within the circuit for which they are elected, or alternately within the judicial district, as they may elect, or as may be provided by law for either or all of such judicial districts.

Sec. 9. The circuit courts shall have original jurisdiction in all matters, civil and criminal, not excepted in this Constitution, and not prohibited by law; and such appellate jurisdiction from all inferior courts and tribunals as shall be provided by law, and supervisory control of the same. They shall also have power to issue writs of habeas corpus, mandamus, injunction, quo warranto, certiorari, and other writs necessary to carry into effect their orders, judgments and decrees, and give them general control over inferior courts and tribunals within their respective jurisdictions.

Sec. 10. The Supreme, circuit and probate courts, shall be courts of record, and shall each have a common seal.

Sec. 11. The respective circuit courts held in each county, shall appoint one or more persons residing therein, who shall be vested with such judicial and ministerial powers as shall be [prescribed] by law.

Sec. 12. Whenever a judge shall remove beyond the limits of the district in which he was elected, his office shall become vacant; and whenever a justice of the peace removes from the township in which he was elected, or be placed without the limits thereof by a change of boundaries, he shall be deemed to have vacated his office.

Sec. 13. Whenever a vacancy occurs in the office of Judge of the Supreme, circuit or probate courts, it shall be filled by appointment of the Governor, which appointment shall continue until a successor to fill such vacancy is elected and qualified. When elected, such successor shall hold his office for the residue of the unexpired term.

Sec. 14. The clerk of each county organized for judicial purposes, shall be clerk of the circuit court of such county. The judges of the circuit courts, within their respective jurisdictions, may fill vacancies in the offices of county clerk and prosecuting attorney.

Sec. 15. Each of the circuit and Supreme Court judges shall receive a salary payable quarterly. They shall be ineligible to any other than a judicial office, during their continuance therein.

All votes given for such judge, for any office other than judicial, given either by the Legislature or the people, shall be void.

Sec. 16. In each organized county there shall be a court of probate. It shall have such probate jurisdiction, powers and duties as shall be prescribed by law. Other judisdiction, civil and criminal, may also be conferred on any one or more courts of probate. Judges of probate shall hold their offices for a term of four years, and shall be elected by the electors of their respective counties or districts, as shall be provided by law.

Sec. 17. There shall be not exceeding four justices of the peace in each organized township, who shall be elected by the electors of the township, and shall hold their office for four years, and until their successors are elected and qualified. A justice elected to fill a vacancy, shall hold his office for the residue of the unexpired term. The Legislature may increase the number of justice in cities.

Sec. 18. Justices of the peace shall have such civil and criminal jurisdiction, and perform such duties as shall be prescribed by law.

Sec. 19. The style of all process shall be: "In the name of the people of the State of Michigan."

Sec. 20. Two-thirds of the members elect to each House of the Legislature, may require the opinion of the Supreme Court upon important questions of constitutional law.

MOTIONS AND RESOLUTIONS.

Mr. Lothrop offered the following resolution:

Resolved, That the proposition to admit the people of color of this State to the privilege of suffrage, upon equal terms with the white people, should be submitted to the electors as a separate proposition, for their adoption or rejection.

Mr. Conger moved to amend the resolution by striking out the words "as a separate proposition," and inserting in place thereof the words "as a part of the Constitution."

Mr. Conger demanded the yeas and nays;

The demand was supported, and the amendment was adopted, the following being the vote thereon:

YEAS.

| | | |
|--------------|---------------|-----------------|
| Mr. Aldrich, | Mr. Giddings, | Mr. Root, |
| Andrus, | Harris, | Sawyer, |
| Barber, | Henderson, | T. G. Smith, |
| Bills, | Holmes, | Stockwell, |
| Blackman, | Holt, | Stoughton, |
| Bradley, | Huston, | Tyler, |
| Brown, | Henney, | Van Valkenburg, |
| Case, | Leach, | P. D. Warner, |
| Chapin, | Longyear, | M. C. Watkins, |
| Conger, | Lovell, | White, |
| Daniells, | Luce, | Willard, |
| Divine, | McConnell, | Winsor, |
| Duncan, | Miles, | Withey, |
| Duncombe, | Miller, | Williams, |
| Estee, | Murray, | Woodhouse, |
| Farmer, | Mussey, | Yeomans, |
| Ferris, | Musgrave, | President, |
| Germain, | | |

52

NAYS.

| | | |
|----------------|-------------|---------------|
| Mr. Alexander, | Mr. Hixson, | Mr. Purcell, |
| Burtch, | Lawrence, | Rafter, |
| Chapman, | Lothrop, | Richmond, |
| Coolidge, | McClelland, | Shearer, |
| Corbin, | McKernan, | Sheldon, |
| Crocker, | Morton, | W. A. Smith, |
| Desnoyers, | Ninde, | Walker, |
| Elliot, | Norris, | W. E. Warner, |
| W. F. Goodwin, | Parsons, | Winans, |

27

The question recurring on the substitute as amended,

Mr. Alexander demanded the yeas and nays;

The demand was supported, and the resolution as amended was adopted, the following being the vote thereon:

YEAS.

| | | |
|--------------|-------------|-----------------|
| Mr. Aldrich, | Mr. Harris, | Mr. Sheldon, |
| Andrus, | Holmes, | T. G. Smith, |
| Bills, | Holt, | Stockwell, |
| Blackman, | Huston, | Stoughton, |
| Bradley, | Kenney, | Tyler, |
| Case, | Leach, | Van Valkenburg, |
| Chapin, | Longyear, | P. D. Warner, |
| Conger, | Lovell, | M. C. Watkins, |
| Daniells, | Luce, | White, |
| Divine, | McConnell, | Willard, |

| | | |
|-----------|-----------|------------|
| Duncan, | Miles, | Winsor, |
| Duncombe, | Miller, | Withey, |
| Estee, | Murray, | Williams, |
| Farmer, | Mussey, | Woodhouse, |
| Ferris, | Musgrave, | Yeomans, |
| Germain, | Root, | President, |
| Giddings, | Sawyer, | 50 |

NAYS.

| | | |
|----------------|----------------|---------------|
| Mr. Alexander, | Mr. Henderson, | Mr. Parsons, |
| Barber, | Hixson, | Purcell, |
| Brown, | Lawrence, | Rafter, |
| Chapman, | Lothrop, | Richmond, |
| Coolidge, | McClelland, | Shearer, |
| Corbin, | McKernan, | W. A. Smith, |
| Crocker, | Morton, | Walker, |
| Desnoyers, | Ninde, | W. E. Warner, |
| Elliott, | Norris, | Winans, |
| W. F. Goodwin, | | 28 |

Mr. Conger moved that Mr. Luce be excused from voting;
Which motion did not prevail.

Mr. Luce then voted as recorded.

Mr. Conger moved that Mr. Giddings be excused from voting;
Which motion did not prevail.

Mr. Giddings then voted as recorded.

Mr. Burtch offered the following resolution:

Resolved, That the present mode of providing for the poor,
is inhuman and unchristian, and is a burning shame, and cries
aloud for action by this Convention.

On motion of Mr. Giddings,

The resolution was laid on the table.

Mr. Burtch offered the following resolution:

Resolved, That the several cities of this State, containing a
population of ten thousand, or more, shall be entitled to a reg-
ister of deeds, with whom all deeds and mortgages shall be
recorded for such city.

On motion of Mr. Leach,

The resolution was laid on the table.

UNFINISHED BUSINESS.

The Convention resumed the consideration of the article entitled "Legislative Department.

Amendments to the body of the article being in order,

Mr. P. D. Warner moved to amend section 11, by striking out all after the word "Legislature," in the 1st line, to and including the word "attendance," and inserting "shall be four dollars per day for the first fifty days of the session, and nothing thereafter."

Mr. P. D. Warner demanded the yeas and nays;

The demand was supported, and the amendment was not adopted, the following being the vote thereon:

YEAS.

| | | |
|----------------|--------------|----------------|
| Mr. Blackman, | Mr. Luce, | Mr. Stockwell, |
| Case, | McConnell, | Walker, |
| Duncan, | Miller, | P. D. Warner, |
| Estee, | Mussey, | W. E. Warner, |
| Germain, | Ninde, | M. C. Wakens, |
| W. F. Goodwin, | Root, | White, |
| Hixson, | Sawyer, | Winans, |
| Holmes, | Shearer, | Williams, |
| Kinney, | W. A. Smith, | Yeomans, 27 |

NAYS.

| | | |
|--------------|---------------|-----------------|
| Mr. Aldrich, | Mr. Duncombe, | Mr. Murray, |
| Andrus, | Farmer, | Musgrave, |
| Barber, | Giddings, | Parsons, |
| Bills, | Harris, | Purcell, |
| Bradley, | Henderson, | Sheldon, |
| Brown, | Holt, | T. G. Smith, |
| Chapin, | Lawrence, | Stoughton, |
| Chapman, | Leach, | Tyler, |
| Coolidge, | Longyear, | Van Valkenburg, |
| Conger, | Lothrop, | Willard, |
| Corbin, | Lovell, | Winsor, |
| Crocker, | McClelland, | Withey, |
| Daniells, | McKernan, | Woodhouse, |
| Desnoyers, | Morton, | President, |
| Divine, | | 43 |

Mr. Holt offered the following substitute for section 17:

"Bills may originate in either House of the Legislature during the first forty days of a session, but not thereafter,"

Which motion did not prevail.

Mr. Miller moved to amend section four by striking out of lines five and six the words, "including civilized persons of Indian descent, not members of any tribe;"

Which motion prevailed.

Mr. T. G. Smith moved to amend section 2 by striking out the word "four," in line 4, and inserting in its place the word "two;" also, strike out all after the word "district," in line 4, and two the word "such," in line 6.

Mr. McClelland demanded the yeas and nays.

On motion of Mr. Conger,

The Convention took a recess until 2½ o'clock.

AFTERNOON SESSION.

2½ o'clock P. M.

The Convention was called to order by the President.

Roll called: a quorum present.

The Convention resumed the consideration of the article entitled "Legislative Department."

The question being on the amendment offered by Mr. T. G. Smith, and the demand for the yeas and nays being supported,

The amendment was lost, the following being the vote thereon:

YEAS.

Mr. Burch,
Case,
Chapin,
Desnoyers,
Divine,
Estee,
Ferris,
Giddings,
W. F. Goodwin,
Harris,
Henderson,

Mr. Holmes,
Huston,
Kenney,
Lawrence,
Leach,
Morton,
Murray,
Mussey,
Musgrave,
Parsons,

Mr. Root,
Shearer,
Sheldon,
T. G. Smith,
Stockwell,
Van Valkenburg,
Walker,
M. C. Watkins,
Willard,
Winsor,

31

NAYS.

Mr. Aldrich,
Alexander,

Mr. Elliott,
Farmer,

Mr. Rafter,
Richmond,

| | | |
|-----------|-------------|---------------|
| Barber, | Germain, | Sawyer, |
| Bills, | Hixson, | W. A. Smith, |
| Blackman, | Holt, | Stoughton, |
| Bradley, | Longyear, | Tyler, |
| Brown, | Lothrop, | P. D. Warner, |
| Chapman, | Lovell, | W. E. Warner, |
| Coolidge, | Luce, | White, |
| Conger, | McClelland, | Winans, |
| Corbin, | McConnell, | Withey, |
| Crocker, | Miller, | Williams, |
| Daniells, | Ninde, | Woodhouse, |
| Duncan, | Norris, | Yeomans, |
| Duncombe, | Purcell, | President, 45 |

Mr. Willard offered the following as a substitute for section 30:

“No money shall be appropriated or drawn from the treasury for the benefit of any sect or society, religious or theological seminary, or of any private or denominational school, unless by a general law, in which no preference shall be given to any such school on sectarian grounds, nor shall property belonging to the State be appropriated for any such purposes. The primary school fund, or any portion thereof, or any fund raised for the support of primary schools, shall not be appropriated for the support of any private or denominational school. Each House of the Legislature shall provide for religious services at the opening of its daily session.”

Mr. McClelland demanded the yeas and nays.

Mr. Daniells moved to amend the substitute by striking out the word “devotional,” and inserting in lieu the word “religious;”

Which motion did not prevail.

The question recurring on the substitute, and the demand for the yeas and nays being supported, it was not adopted, the following being the vote thereon:

YEAS.

| | | |
|------------------|--------------|---|
| Mr. T. G. Smith, | Mr. Willard, | 2 |
|------------------|--------------|---|

NAYS.

| | | |
|--------------|--------------------|-------------|
| Mr. Aldrich, | Mr. W. F. Goodwin, | Mr. Norris, |
| Alexander, | Henderson, | Parsons, |

| | | |
|------------|-------------|-----------------|
| Barber, | Hixson, | Purcell, |
| Bills, | Holmes, | Richmond, |
| Blackman, | Holt, | Root, |
| Bradley, | Huston, | Sawyer, |
| Brown, | Kenney, | Sheldon, |
| Case, | Lawrence, | W. A. Smith, |
| Chapin, | Leach, | Stoughton, |
| Coolidge, | Longyear, | Tyler, |
| Conger, | Lothrop, | Van Valkenburg, |
| Corbin, | Lovell, | P. D. Warner, |
| Crocker, | Luce, | W. E. Warner, |
| Desnoyers, | McClelland, | M. C. Watkins, |
| Divine, | McConnell, | White, |
| Duncombe, | McKernan, | Winans, |
| Elliott, | Miller, | Winsor, |
| Estee, | Morton, | Withey, |
| Farmer, | Murray, | Williams, |
| Ferris, | Mussey, | Woodhouse, |
| Germain, | Musgrave, | Yeomans, |
| Harris, | Ninde, | |

65

Mr. Miller moved to amend section 13 by striking out in the second line, "but the per diem compensation," &c., to the end of the section;

Which motion did not prevail.

Mr. Conger moved to amend section 29 by adding the following:

"Except by an affirmative vote of three-fourths of all the members elected to each House, and the final approval of the Governor: *Provided*, That this provision shall not apply to any claim arising prior to January 1st, 1861."

Mr. McClelland demanded the yeas and nays;

The demand being supported, the amendment was not adopted, the following being the vote thereon:

YEAS.

| | | |
|------------|--------------------|-----------------|
| Mr. Bills, | Mr. W. F. Goodwin, | Mr. Root, |
| Blackman, | Harris, | T. G. Smith, |
| Bradley, | Huston, | Stoughton, |
| Chapman, | Lawrence, | Van Valkenburg, |
| Coolidge, | Leach, | Walker, |
| Conger, | Longyear, | Withey, |
| Duncan, | McConnell, | Woodhouse, |
| Estee, | Norris, | |

23

NAYS.

| | | |
|--------------|-------------|----------------|
| Mr. Aldrich, | Mr. Hixson, | Mr. Rafter, |
| Alexander, | Holmes, | Richmond, |
| Barber, | Holt, | Sawyer, |
| Brown, | Kenny, | Shearer, |
| Burtch, | Lothrop, | W. A. Smith, |
| Case, | Lovell, | Stockwell, |
| Chapin, | Luce, | Tyler, |
| Corbin, | McClelland, | P. D. Warner, |
| Crocker, | McKernan, | W. E. Warner, |
| Desnoyers, | Miller, | M. C. Watkins, |
| Divine, | Murray, | White, |
| Duncombe, | Mussey, | Willard, |
| Elliott, | Musgrave, | Winans, |
| Farmer, | Ninde, | Winsor, |
| Ferris, | Parsons, | Williams, |
| Germain, | Purcell, | Yeomans, |
| Henderson, | | |

49

Mr. Blackman offered the following substitute for section 7:

“During the session of the Legislature, and for fifteen days next before the commencement and after the termination of each session, the members of each House shall be privileged from arrest in all cases except treason, felony, or breach of the peace, and shall not, during the same time, be subject to civil process. They shall not be questioned in any other place for any speech in either House.”

After some debate the substitute was withdrawn.

Mr. Lothrop moved to amend section 7, by striking out all after the word “shall,” in the 1st line, to and including the word “they,” in the 2d line;

Which motion prevailed.

On motion of Mr. Farmer,

The article was referred to the committee on arrangement and phraseology, for correction and engrossment, and ordered printed in the journal.

The article as amended is as follows:

ARTICLE ———.

LEGISLATIVE DEPARTMENT.

SECTION 1. The legislative power is vested in a Senate and House of Representatives.

Sec. 2. The Senate shall consist of thirty-two members. But after the year 1870, the Legislature may increase the number to thirty-three, by authorizing the election of two Senators in that portion of the State now included within the limits of the Thirty-Second Senatorial District. Senators shall be elected for four years, and by single districts. At the first election after the adoption of this Constitution, Senators in the odd numbered districts shall be elected for two years, and in the even numbered districts for four years. Such districts shall be numbered from one to thirty-three inclusive, each of which shall choose one Senator. No county shall be divided in the formation of Senate districts, except such county shall be equitably entitled to two or more Senators.

Sec. 3. The House of Representatives shall consist of *not more than one hundred and ten members*. Representatives shall be chosen for two years, and by single districts. Each representative district shall contain, as nearly as may be, an equal number of inhabitants, and shall consist of convenient and contiguous territory, *but every organized county containing a population of not less than four thousand, and every two or more contiguous organized counties, containing a like population, shall constitute a representative district, and be entitled to one Representative*. In every county entitled to more than one Representative, the board of supervisors shall assemble at such time and place as may be provided by law, and divide the same into representative districts, equal to the number of Representatives to which such county is entitled by law, and shall cause to be filed in the offices of the Secretary of State and clerk of such county, a description of such representative districts, specifying the number of each district, and the population thereof, according to the last enumeration.

Sec. 4. The Legislature shall provide by law for an enumera-

tion of the inhabitants in the year eighteen hundred and seventy-five, and every ten years thereafter; and at the first session after each enumeration so made, and also at the first session after each enumeration by the authority of the United States, the Legislature shall re-arrange the Senate districts, and apportion anew the Representatives among the counties and districts, according to the number of inhabitants. But no re-arrangement of Senate districts shall vacate the seat of any Senator. Each apportionment, and the division into representative districts by any board of supervisors, shall remain unaltered until the return of another enumeration.

Sec. 5. Every Senator and Representative shall be a citizen of the United States, and a qualified elector of the district he represents. A removal from his district shall be deemed a vacation of his office. No Senator or Representatives shall, during the time for which he may have been elected, be eligible to any office, which shall have been created, or the emoluments of which shall have been increased *by the Legislature* during such term; nor shall he be interested, directly or indirectly, in any contract with the State, or any county thereof, authorized by any law passed during said term.

Sec. 6. No person holding any elective State office, except that of Regent of the University, or member of the Board of Education, *and no person* holding the office of Probate Judge, county clerk, register of deeds, county treasurer, sheriff, county superintendent of schools, prosecuting attorney, or any office to which he was appointed by the President of the United States, by and with the advice and consent of the Senate, shall be allowed to take or hold a seat in either House of the Legislature.

Sec. 7. Senators and Representatives shall not be subject to any civil process during the session of the Legislature, or for fifteen days next before the commencement and after the termination of each session; they shall not be questioned in any other place for any speech in either House.

Sec. 8. *The Legislature shall meet on the first Wednesday of Janu-*

ary in the year one thousand eight hundred and sixty-nine, and on the first Wednesday of January of each year thereafter, but at no other time, except as provided in this Constitution. The time of meeting shall be at eleven o'clock in the forenoon, and the time of final adjournment shall be at twelve o'clock noon.

Sec. 9. Each House shall choose its own officers, except as otherwise provided in this Constitution; determine the rules of its proceedings, and judge of the qualifications, elections and returns of its members, and may, with the concurrence of two-thirds of all the members elected, expel a member. *The reasons for such expulsion shall be entered upon the journal with the names of the members voting on the question.* No member shall be expelled a second time for the same cause; nor for any cause known to his constituents antecedent to his election.

Sec. 10. A majority of each House shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and compel the attendance of absent members, in such manner and under such penalties as each House may prescribe.

Sec. 11. The compensation of the members of the Legislature *during the session thereof*, shall be four dollars per day, *for actual attendance.* When convened in extra session they shall legislate on no other subjects than those expressly stated in the Governor's proclamation, or submitted to them by special message. They shall be entitled to ten cents, and no more, for every mile actually traveled, going to and returning from the place of meeting, on the usually traveled route, and for stationery, postage and newspapers not exceeding fifteen dollars for each member during any session. Each member shall be entitled to one copy of the laws, journals and documents of the Legislature of which he was a member; but shall not receive at the expense of the State, books, newspapers, or other perquisites of office, not expressly authorized by this Constitution.

Sec. 12. The President of the Senate and the Speaker of the House of Representatives shall each be entitled to six dollars per diem compensation and the same mileage as members of the Legislature, and no more.

Sec. 13. In case of a contested election, each House shall determine the amount of per diem compensation and mileage to be received by each contestant, but the per diem compensation allowed to both parties, shall not exceed the sum of four dollars per day.

Sec. 14. Each House shall keep a journal of its proceedings, and publish the same, except such parts as may require secrecy. The yeas and nays of the members of either House on any question shall be entered on the journal, at the request of one-fifth of the members elected. Any member of either House may dissent from and protest against any act, proceeding or resolution which he may deem injurious to any person or the public, and have the reason of his dissent entered on the journal.

Sec. 15. In all elections by either House, or in joint convention, the votes shall be given *viva voce*. All votes on nominations to the Senate shall be taken by yeas and nays, and published with the journal of its proceedings.

Sec. 16. The doors of each House shall be open, unless the public welfare require secrecy. Neither House shall, without the consent of the other, adjourn for more than three days, nor to any other place than where the Legislature may then be in session.

Sec. 17. Bills may originate in either House of the Legislature; but no new bill, *except by a vote of two-thirds of the members elect*, shall be introduced after the first fifty days of a session shall have expired.

Sec. 18. Every bill and joint resolution passed by the Legislature, shall be presented to the Governor before it becomes a law. If he approve, he shall sign it; but if not, he shall return it with his objections, to the House in which it originated, which shall enter the objections at large upon their journal, and reconsider it. On such reconsideration, if two-thirds of the members elected agree to pass the bill, it shall be sent with the objections to the other House, by which it shall be reconsidered. If approved by two-thirds of the members elected to

that House, it shall become a law. In such case the vote of both Houses shall be determined by yeas and nays; and the names of the members voting for and against the bill shall be entered on the journals of each House respectively. If any bill be not returned by the Governor within ten days, (Sundays excepted,) after it has been presented to him, the same shall become a law in like manner as if he had signed it, unless the Legislature, by their adjournment, prevent its return; in which case it shall not become a law. The Governor may approve, sign, and file in the office of the Secretary of State, within five days after the adjournment of the Legislature, any act passed during the last five days of the session, and the same shall become a law.

Sec. 19. Every bill and joint resolution shall be read three times in each House before the final passage thereof. No bill or joint resolution shall become a law without the concurrence of a majority of all the members elected to each House. On the final passage of *each* bill, the vote shall be *taken separately* by yeas and nays, and entered on the journal.

Sec. 20. No law shall embrace more than one *general* object, which shall be expressed in its title. No public act shall take effect or be in force until the expiration of ninety days from the end of the session at which the same is passed, unless the Legislature shall otherwise direct, by a two-thirds vote of the members elected to each House.

Sec. 21. The assent of two-thirds of the members elected to each House of the Legislature, shall be requisite to every bill appropriating the public money or property, for local or private purposes.

Sec. 22. No law shall be revised, altered or amended by reference to its title only, but the section or sections of the act altered or amended, shall be reenacted and published at length.

Sec. 23. The Legislature shall provide by law that the furnishing of fuel and stationery for the use of the State, the printing and binding the laws and journals, all blanks, papers, and printing for the executive *department and State offices*, and all other

printing ordered by the Legislature, shall be let by contract to the lowest *competent and responsible* bidder or bidders, who shall give adequate and satisfactory security for the performance thereof. The Legislature shall prescribe by law the manner in which the State printing shall be executed, and the accounts rendered therefor, and shall prohibit all charges for constructive labor. It shall not rescind nor alter such contract, nor release the person or persons taking the same, or his or their sureties, from the performance of any of the conditions of the contract. No member of the *Board of State Auditors* shall be interested, directly or indirectly, in any contract *with the State*.

Sec. 24. The Legislature shall not establish a State paper, but shall provide for the speedy publication of all statute laws of a public nature, and of such judicial proceedings as it may deem expedient. All laws and judicial decisions shall be free for publication by any person.

Sec. 25. The Legislature may declare the cases in which any office shall be deemed vacant, and also the manner of filling the vacancy, where no provision is made for that purpose in this Constitution.

Sec. 26. The Legislature may confer upon organized townships, incorporated cities and villages, and upon the board of supervisors of the several counties, such powers of a local, legislative and administrative character as they may deem proper.

Sec. 27. The Legislature shall not authorize any city or township to pledge its credit, for the purpose of aiding in the construction of any railroad to an extent whereby the outstanding indebtedness, exclusive of interest, on account of aid to any and all railroads, shall exceed ten per cent. of the assessed valuation of such city or township. *No county shall be authorized to pledge its credit, nor raise money by taxation for any such purposes; but counties in the Upper Peninsula may be authorized to do so, subject to the restrictions in this section as to cities and townships. The question of such aid shall be submitted to a vote*

of the electors of the county, city or township to be affected thereby.

Sec. 28. The Legislature shall not authorize, by private or special law, the sale or conveyance of any real estate belonging to any person, nor vacate nor alter any road laid out by commissioners of highways, or any street or public ground in any city or village, or in any recorded town plat.

Sec. 29. The Legislature shall not grant nor authorize extra compensation to any public officer, agent or contractor, after the service has been rendered or the contract entered into.

Sec. 30. No money shall be appropriated or drawn from the treasury for the benefit of any religious sect or society, theological or religious seminary, or schools under denominational control, nor shall property belonging to the State be appropriated for any such purposes. *Each House of the Legislature shall provide for religious exercises at the opening of its daily session.*

Sec. 31. The Legislature shall not authorize any lottery or permit the sale of lottery tickets; nor grant divorces; nor audit or allow any private claim or account; nor pass special acts extending the time for the collection of taxes; *nor pass any act authorizing the grant of license for the sale of ardent spirits or intoxicating liquors.*

Sec. 32. The style of the laws shall be, "The People of the State of Michigan enact."

Sec. —. *The Legislature may empower any city or township to raise by tax in aid of any railroad company or companies an amount of money not exceeding ten per centum of the assessed valuation of such city or township, but every such tax shall be first approved by a vote of the electors of such city or township; provided that the amount levied by any such tax, shall not, when added to the principal of the credits of such city or township already pledged for like aid and then outstanding, exceed ten per centum of the assessed valuation aforesaid.*

THIRD READING OF ARTICLES.

The article entitled "Executive Department," was read a third time and passed, a majority of all the members elect voting therefor, yeas and nays, as follows:

YEAS.

| | | |
|----------------|----------------|-----------------|
| Mr. Aldrich, | Mr. Henderson, | Mr. Richmond, |
| Alexander, | Hixson, | Root, |
| Barber, | Holmes, | Sawyer, |
| Bills, | Holt, | Shearer, |
| Blackman, | Huston, | Sheldon, |
| Bradley, | Kenny, | T. G. Smith, |
| Brown, | Lawrence, | W. A. Smith, |
| Case, | Leach, | Stockwell, |
| Chapin, | Longyear, | Stoughton, |
| Chapman, | Lothrop, | Tyler, |
| Coolidge, | Lovell, | Van Valkenburg, |
| Conger, | Luce, | Walker, |
| Corbin, | McClelland, | P. D. Warner, |
| Crocker, | McConnell, | W. E. Warner, |
| Desnoyers, | McKernan, | M. C. Watkins, |
| Divine, | Miller, | White, |
| Duncan, | Morton, | Willard, |
| Duncombe, | Murray, | Winans, |
| Elliott, | Mussey, | Winsor, |
| Estee, | Musgrave, | Withey, |
| Farmer, | Ninde, | Williams, |
| Germain, | Norris, | Woodhouse, |
| Giddings, | Parsons, | Yeomans, |
| W. F. Goodwin, | Purcell, | President, |
| Harris, | Rafter, | |

74

NAYS.

0

The article was referred to the committee on arrangement and phraseology, for numerical arrangement.

The article entitled "State Officers," was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

YEAS.

| | | |
|--------------|-------------|--------------|
| Mr. Aldrich, | Mr. Harris, | Mr. Root, |
| Alexander, | Henderson, | Sawyer, |
| Barber, | Hixson, | Shearer, |
| Bills, | Holmes, | Sheldon, |
| Blackman, | Holt, | T. G. Smith, |

| | | |
|----------------|-------------|-----------------|
| Bradley, | Huston, | W. A. Smith, |
| Brown, | Kenney, | Stockwell, |
| Case, | Leach, | Stoughton, |
| Chapin, | Longyear, | Tyler, |
| Chapman, | Lovell, | Van Valkenburg, |
| Coolidge, | Luce, | Walker, |
| Conger, | McClelland, | P. D. Warner, |
| Corbin, | McConnell, | W. E. Warner, |
| Crocker, | McKernan, | M. C. Watkins, |
| Desnoyers, | Miller, | White, |
| Divine, | Morton, | Willard, |
| Duncan, | Murray, | Winans, |
| Duncombe, | Mussey, | Winsor, |
| Elliott, | Musgrave, | Withey, |
| Estee, | Ninde, | Williams, |
| Farmer, | Parsons, | Woodhouse, |
| Germain, | Purcell, | Yeomans, |
| Giddings, | Rafter, | President, |
| W. F. Goodwin, | Richmond, | |

71

NAYS.

Mr. Norris,

1

The article was referred to the committee on arrangement and phraseology, for numerical arrangement.

The article entitled "Counties," was read a third a time.

Mr. Ninde, by unanimous consent, offered the following substitute for Sec. 11:

Sec. 11. The board of county auditors in the county of Wayne, and in such other counties as may be authorized by law to elect county auditors, and in every other county, the board of supervisors shall, except as otherwise provided by law, have power to prescribe the compensation due for all services rendered for, and adjust all claims against, their respective counties, and such determination and adjustment shall be subject to no appeal. Supervisors and county auditors shall receive for their services such compensation as shall be prescribed by law.

The substitute was adopted.

The article, as amended, was then passed, a majority of the members elect voting therefor, by yeas and nays, as follows:

YEAS.

Mr. Aldrich,
Alexander,
Barber,
Blackman,
Bradley,
Case,
Chapman,
Coolidge,
Conger,
Desnoyers,
Divine,
Duncan,
Duncombe,
Elliott,
Estee,
Farmer,
Germain,
Harris,
Henderson,

Mr. Hixson,
Holmes,
Holt,
Kenney,
Lawrence,
Leach,
Longyear,
Luce,
McClelland,
McConnell,
Morton,
Murray,
Musgrave,
Ninde,
Parsons,
Purcell,
Richmond,
Root,
Shearer,

Mr. Sheldon,
T. G. Smith,
W. A. Smith,
Stockwell,
Stoughton,
Tyler,
Van Valkenburg,
Walker,
P. D. Warner,
M. C. Watkins,
White,
Willard,
Winans,
Winsor,
Withey,
Williams,
Woodhouse,
Yeomans,
President, 57

NAYS.

Mr. Bills,
Brown,
Chapin,
Corbin,
Crocker,

Mr. Giddings,
Huston,
Lovell,
McKernan,
Miller,

Mr. Mussey,
Norris,
Rafter,
Sawyer,
Warner. 15

The article was referred to the committee on arrangement and phraseology, for numerical arrangement.

The article entitled "Exemptions," was read a third time.

Mr. Morton moved to recommit the article to the committee on "Exemptions," with instructions to strike out the words "twenty-five," in the third line of section 2, and insert in lieu the word "sixteen."

Mr. Leach demanded the previous question, which was not sustained.

Mr. Ferris moved to amend the instructions so as to instruct the committee to add to section 1, as follows: "Except the wages of laborers and mechanics."

Mr Ferris demanded the yeas and nays;

The demand was supported and the amendment was not adopted, the following being the vote thereon:

YEAS.

Mr. Alexander,
Blackman,
Case,
Desnoyers,
Ferris,
Henderson,
Holt,
Lovell,

Mr. Luce,
McClelland,
McKernan,
Morton,
Murray,
Purcell,
Richmond,

Mr. T. G. Smith,
Walker,
W. E. Warner,
M. C. Watkins,
Woodhouse,
Yeomans,
President,

22

NAYS.

Mr. Aldrich,
Barber,
Bradley,
Brown,
Chapin,
Chapman,
Coolidge,
Conger,
Corbin,
Crocker,
Daniells,
Divine,
Duncan,
Duncombe,
Elliott,

Mr. Estee,
Farmer,
Germain,
Harris,
Hixson,
Holmes,
Huston,
Kenney,
Lawrence,
Leach,
Longyear,
McConnell,
Miller,
Musgrave,
Ninde,

Mr. Parsons,
Sawyer,
Sheldon,
W. A. Smith,
Stockwell,
Stoughton,
Tyler,
VanValkenburg,
P. D. Warner,
White,
Willard,
Winans,
Winsor,
Withey,
Williams,

45

The motion to recommit was withdrawn.

Mr. Holt moved to recommit the article to the standing committee with instructions to report the following substitute for section 2:

Sec. 2. The Legislature shall provide for the exemption from forced sale for the collection of any debt on execution or other final process of any court, of every homestead not exceeding forty acres of land, and the dwelling house thereon, and the appurtenances, to be selected by the owner thereof, owned and occupied by any resident of this State, and not exceeding fifteen hundred dollars in value. Such exemption shall not extend to any mortgage thereon lawfully obtained, but such mortgage or other alienation of such land by the owner, if a married man, shall not be valid without the signature of the wife to the same.

Mr. Alexander moved that the Convention adjourn;

Which motion did not prevail.

Mr. Morton moved to take a recess until 7½ o'clock;

Which motion did not prevail.

On motion of Mr. McConnell,

The Convention adjourned.

SIXTY-FOURTH DAY.

Lansing, Saturday, August 10, 1867.

The Convention was called to order by the President at 9 o'clock A. M.

Prayer by Rev. Mr. McIntire.

Roll called: a quorum present.

Absent without leave, Messrs. W. F. Goodwin, McKernan and Parsons.

Mr. Divine asked and obtained leave of absence for Mr. W. F. Goodwin, for an indefinite time, on account of sickness.

Mr. Leach asked and obtained leave of absence for Mr. Parsons, for an indefinite time, on account of sickness in his family.

Mr. Longyear asked and obtained leave of absence, during the afternoon of to-day.

MOTIONS AND RESOLUTIONS.

Mr. Williams moved to amend Rule 15, by striking out the word "elect," in the 4th line, and inserting the word "present," so that said Rule shall read as follows:

"The previous question shall be in this form: 'Shall the main question be now put?' And if demanded by a majority of the members present, its effect shall be to put an end to all debate, and bring the Convention to a direct vote upon amendments, if any are pending, and then upon the main question, which shall be the section or article under consideration, as the Convention may direct."

Mr. W. E. Warner demanded the yeas and nays;

The demand was supported, and the motion prevailed, the following being the vote thereon:

YEAS.

| | | |
|-------------|-------------|------------------|
| Mr. Aldrich | Mr. Farmer, | Mr. T. G. Smith, |
| Andrus, | Germain, | Stockwell, |
| Barber, | Henderson, | Stoughton, |
| Blackman, | Holmes, | Tyler, |
| Bradley, | Holt, | Van Valkenburg, |
| Brown, | Huston, | Walker, |
| Burtch, | Kenney, | P. D. Warner, |
| Case, | Leach, | M. C. Watkins, |
| Chapin, | Longyear, | White, |
| Chapman, | Luce, | Willard, |
| Coolidge, | McConnell, | Winsor, |
| Daniells, | Murray, | Withey, |
| Divine, | Mussey, | Williams, |
| Duncan, | Musgrave, | Woodhouse, |
| Duncombe, | Ninde, | Wright, |
| Elliott, | Root, | Yeomans, |
| Estee, | Sheldon, | President, 51 |

NAYS.

| | | |
|----------------|-------------|---------------|
| Mr. Alexander, | Mr. Hixson, | Mr. Rafter, |
| Bills, | Lawrence, | Richmond, |
| Conger, | Lovell, | Sawyer, |
| Corbin, | McClelland, | Shearer, |
| Crocker, | Miller, | W. A. Smith, |
| Desnoyers, | Morton, | W. E. Warner, |
| Ferris, | Norris, | Winans, |
| Giddings, | Purcell, | 23 |

Mr. Luce moved to reconsider the vote by which Rule 15 was amended.

Mr. P. D. Warner moved to lay the motion to reconsider on the table.

Mr. Daniells demanded the yeas and nays;

The demand was supported, and the motion to lay the motion to reconsider on the table prevailed, the following being the vote thereon:

YEAS.

| | | |
|--------------|----------------|-----------------|
| Mr. Aldrich, | Mr. Henderson, | Mr. Stoughton, |
| Andrus, | Holt, | Tyler, |
| Barber, | Huston, | Van Valkenburg, |
| Bradley, | Kenney, | Walker, |
| Brown, | Leach, | P. D. Warner, |

Case,
Chapin,
Divine,
Duncan,
Duncombe,
Elliott,
Estee,
Farmer,
Germain,

Longyear,
Luce,
McConnell,
Murray,
Musgrave,
Ninde,
Root,
Sheldon,
T. G. Smith,

M. C. Watkins,
White,
Willard,
Winsor,
Withey,
Williams,
Woodhouse,
Wright,
Yeomans, 42

NAYS.

Mr. Alexander,
Bills,
Blackman,
Burtch,
Chapman,
Coolidge,
Conger,
Corbin,
Crocker,
Daniells,

Mr. Desnoyers,
Ferris,
Giddings,
Hixson,
Lawrence,
Lovell,
McClelland,
Miller,
Morton,
Norris,

Mr. Purcell,
Rafter,
Richmond,
Sawyer,
Shearer,
W. A. Smith,
Stockwell,
W. E. Warner,
Winans, 29

Mr. T. G. Smith moved that the articles on "Miscellaneous Provisions," and on "Amendment and Revision of the Constitution," be taken from the table;

Which motion prevailed.

The question being on concurring in the amendments made by the committee of the whole, to the article on "Miscellaneous Provisions."

Mr. Burtch moved to lay the articles on the table, and resume the consideration of the article on "Exemptions;"

Which motion did not prevail.

The question being on concurring in the amendments made by the committee of the whole to section 2, of the article on "Miscellaneous Provisions;"

It was concurred in.

The question being on concurring in the amendment made by the committee of the whole to section 3;

It was concurred in.

The question being on concurring in the amendment made by the committee of the whole to section 4;

Mr. Lovell moved to amend section 4 by striking out the word "and," in the fifth line;

Which motion prevailed.

Mr. Longyear moved to amend section 4 by striking out the word "not," after the word "highway," in the fifth line, and inserting in lieu thereof the following: "or for public improvements or streets."

Mr. Ferris demanded the yeas and nays;

The demand was supported, and the amendment was not adopted, the following being the vote thereon:

YEAS.

| | | | |
|------------|------------|---------------|----|
| Mr. Bills, | Mr. Holt, | Mr. Tyler, | |
| Chapin, | Kenney, | Walker, | |
| Conger, | Longyear, | P. D. Warner, | |
| Crocker, | Luce, | Willard, | |
| Divine, | Musgrave, | Woodhouse, | |
| Elliott, | Stoughton, | | 17 |

NAYS.

| | | | |
|----------------|-------------|-----------------|----|
| Mr. Alexander, | Mr. Ferris, | Mr. Rafter, | |
| Andrus, | Germain, | Richmond, | |
| Barber, | Henderson, | Sawyer, | |
| Blackman, | Hixson, | Shearer, | |
| Bradley, | Lawrence, | Stockwell, | |
| Brown, | Leach, | Van Valkenburg, | |
| Burtch, | Lovell, | W. E. Warner, | |
| Chapman, | McClelland, | M. C. Watkins, | |
| Coolidge, | Miller, | White, | |
| Corbin, | Morton, | Winans, | |
| Daniells, | Murray, | Withey, | |
| Desnoyers, | Ninde, | Williams, | |
| Duncan, | Norris, | Yeomans, | |
| Duncombe, | Purcell, | President, | |
| Farmer, | | | 43 |

Mr. Coolidge moved to amend the section by striking out of the 5th line the words "and not within," and inserting in place thereof, the word "without;"

Which motion did not prevail.

Mr. Miller offered the following substitute for the words stricken out by the committee of the whole:

"Whenever private property, within the limits of any incor-

porated city or village, shall be taken for any purpose, and whenever private property, not within the limits of any incorporated city or village, shall be taken for any purpose, except a public highway, the necessity for the taking thereof, and the amount of compensation to be paid therefor, shall be first ascertained and determined by a jury of twelve freeholders, in such manner as shall be prescribed by law."

Mr. P. D. Warner moved to amend section 4, by striking out in line 5 the words, "not within the limits of any incorporated city or village;"

Which motion was lost.

The question recurring on the substitute of Mr. Miller,

It was adopted.

The question recurring on the amendment made by the committee of the whole to section 4,

Mr. Ferris demanded the yeas and nays;

The demand was supported and the amendment was not concurred in, the following being the vote thereon:

YEAS.

| | | |
|-------------|---------------|---------------|
| Mr. Andrus, | Mr. Giddings, | Mr. Musgrave, |
| Barber, | Holmes, | Stoughton, |
| Bills, | Holt, | Tyler, |
| Blackman, | Huston, | Walker, |
| Chapin, | Kenney, | P. D. Warner, |
| Conger, | Longyear, | White, |
| Corbin, | Lovell, | Willard, |
| Crocker, | Luce, | Williams, |
| Duncan, | McConnell, | Woodhouse, |
| Estee, | Mussey, | President, 30 |

NAYS.

| | | |
|--------------|-------------|-----------------|
| Mr. Aldrich, | Mr. Ferris, | Mr. Richmond, |
| Alexander, | Germain, | Sawyer, |
| Bradley, | Henderson, | Shearer, |
| Brown, | Hixson, | T. G. Smith, |
| Burtch, | Lawrence, | W. A. Smith, |
| Case, | Leach, | Stockwell, |
| Chapman, | McClelland, | Van Valkenburg, |
| Coolidge, | Miller, | W. E. Warner, |
| Daniells, | Murray, | M. C. Watkins, |
| Desnoyers, | Ninde, | Winans, |

Divine,
Elliott,
Farmer,

Norris,
Purcell,
Rafter,

Withey,
Wright,
Yeomans, 38

On motion of Mr. Longyear,

The following section was taken from the table:

Section —. All lands that have been, or hereafter may be granted to the State by the United States, or that may come to the State from any other source, for any specified purpose, or upon any specified conditions, and all proceeds from the sale thereof, shall be applied exclusively, so far as necessary, to the purposes, and for the fulfillment of the conditions so specified.

Mr. Longyear moved that the section be added to the article under consideration.

Mr. Winsor moved to amend the section by striking out the words "so far as necessary;"

Which motion prevailed.

The question being on the adoption of the section, as amended, Mr. Stoughton demanded the yeas and nays.

Mr. Winsor moved to further amend the section by adding thereto the following:

"*Provided*, The Legislature may appropriate State swamp lands for the building of roads and bridges;"

Mr. Stoughton moved to amend the proviso so that it shall read as follows:

"*Provided, however*, That nothing herein contained shall be so construed as to prevent the State from reclaiming and draining the State swamp lands, by means of roads, highways and bridges;"

Which was accepted.

On motion of Mr. Chapin,

The Convention took a recess until 2½ o'clock.

AFTERNOON SESSION.

2½ o'clock P. M.

The Convention was called to order by the President.

Roll called: a quorum present.

The Convention resumed the consideration of the unfinished business.

The question being on the amendment of Mr. Winsor, as amended, to the section offered by Mr. Longyear to the article entitled "Miscellaneous Provisions,"

Mr. W. E. Warner demanded the yeas and nays;

The demand was supported, and the amendment was adopted, the following being the vote thereon:

YEAS.

| | | |
|----------------|--------------|-----------------|
| Mr. Alexander, | Mr. Holmes, | Mr. Stockwell, |
| Andrus, | Holt, | Stoughton, |
| Case, | Kenney, | Tyler, |
| Chapin, | Lawrence, | Van Valkenburg, |
| Chapman, | Leach, | Walker, |
| Conger, | Luce, | M. C. Watkins, |
| Daniells, | McClelland, | White, |
| Divine, | Miller, | Winans, |
| Duncan, | Mussey, | Winsor, |
| Elliott, | Ninde, | Withey, |
| Estee, | Norris, | Williams, |
| Farmer, | Sawyer, | Wright, |
| Ferris, | Sheldon, | Yeomans, |
| Germain, | T. G. Smith, | |

41

NAYS.

| | | |
|--------------|---------------|---------------|
| Mr. Aldrich, | Mr. Duncombe, | Mr. Purcell, |
| Barber, | Henderson, | Richmond, |
| Bills, | Hixson, | Shearer, |
| Blackman, | Longyear, | W. A. Smith, |
| Bradley, | Lovell, | P. D. Warner, |
| Brown, | McConnell, | W. E. Warner, |
| Coolidge, | Morton, | Willard, |
| Corbin, | Murray, | Woodhouse, |
| Crocker, | Musgrave, | President, |
| Desnoyers, | | |

28

Mr. Stoughton moved to further amend the section, by adding thereto the following: "*And provided also*, That all of said swamp lands, and the proceeds thereof, not necessary for the drainage and reclamation thereof, as aforesaid, shall be applied to the extinguishment of the State debt."

Mr. Stoughton demanded the yeas and nays;

The demand was supported, and the amendment was adopted, the following being the vote thereon:

YEAS.

| | | |
|----------------|-------------|-----------------|
| Mr. Alexander, | Mr. Hixson, | Mr. Richmond, |
| Barber, | Holmes, | Sawyer, |
| Bills, | Lawrence, | Shearer, |
| Brown, | Longyear, | Sheldon, |
| Burtch, | Lovell, | T. G. Smith, |
| Chapman, | Luce, | W. A. Smith, |
| Desnoyers, | McConnell, | Stockwell, |
| Duncan, | Morton, | Stoughton, |
| Duncombe, | Murray, | Tyler, |
| Elliott, | Musgrave, | Van Valkenburg, |
| Farmer, | Ninde, | White, |
| Germain, | Purcell, | Winans, |
| Henderson, | Rafter, | Yeomans, 39 |

NAYS.

| | | |
|--------------|---------------|----------------|
| Mr. Aldrich, | Mr. Daniells, | Mr. Walker, |
| Andrus, | Divine, | P. D. Warner, |
| Blackman, | Estee, | W. E. Warner, |
| Bradley, | Ferris, | M. C. Watkins, |
| Case, | Holt, | Willard, |
| Chapin, | Huston, | Winsor, |
| Coolidge, | Leach, | Withey, |
| Conger, | McClelland, | Williams, |
| Corbin, | Miller, | Woodhouse, 29 |
| Crocker, | Norris, | |

The question recurring on the section offered by Mr. Longyear, as amended,

Mr. Longyear demanded the previous question;

The demand was sustained, and the main question ordered.

The demand for the yeas and nays was supported, and the section as amended, was not adopted, the following being the vote thereon:

YEAS.

| | | |
|------------|---------------|---------------|
| Mr. Case, | Mr. Lawrence, | Mr. Shearer, |
| Chapin, | McClelland, | W. A. Smith. |
| Corbin, | Miller, | Stockwell, |
| Desnoyers, | Morton, | Walker, |
| Duncan, | Ninde, | W. E. Warner, |
| Ferris, | Norris, | White, |
| Henderson, | Purcell, | Winans, |

Hixson,
Holmes,

Rafter,
Richmond,

Withey, 26

NAYS.

Mr. Aldrich,
Alexander,
Andrus,
Barber,
Bills,
Blackman,
Bradley,
Brown,
Chapman,
Coolidge,
Conger,
Crocker,
Daniells,
Divine,

Mr. Duncombe,
Elliott,
Estee,
Farmer,
Germain,
Huston,
Kenney,
Leach,
Longyear,
Lovell,
Luce,
McConnell,
Murray,
Musgrave,

Mr. Sawyer,
Sheldon,
T. G. Smith,
Stoughton,
Tyler,
Van Valkenburg,
P. D. Warner,
M. C. Watkins,
Willard,
Winsor,
Williams,
Woodhous
Yeomans,
President. 42

Mr. Farmer moved to amend the article by adding the following, to stand as a new section:

Sec. 6. The Legislature shall, prior to the year one thousand eight hundred and seventy, and in every tenth year thereafter, provide for a general revision or compilation of the laws;

Which motion was lost.

Mr. Ferris moved to amend the article by adding the following, to stand as a new section:

Sec. —. The Legislature shall provide for homesteads to actual settlers on all the public lands, except the primary school lands, under the control of the State, so far as the same may be practicable;

Which motion did not prevail.

Mr. Williams moved that the article be recommitted to the standing committee, with instructions to amend it by striking out all after the word "law," in the fourth line, and inserting in lieu the following:

"Whenever private property shall be taken for any purpose without the limits of any incorporated city or village, except a public highway, the necessity for the taking thereof, and the amount of compensation to be paid therefor, shall be first ascertained and determined by a jury of twelve freeholders, or

three commissioners appointed by a court of record; and whenever such property shall be taken within the limits of any incorporated city or village, the necessity for such taking, and the amount of compensation to be paid therefor, shall be first ascertained and determined by a jury of twelve freeholders;"

Which motion prevailed.

The committee on miscellaneous provisions, by unanimous consent, submitted the following report:

By the committee on miscellaneous provisions:

The committee on miscellaneous provisions, to whom was referred Article —, entitled "Miscellaneous Provisions," with specific instructions to amend section 4, have had the matter under consideration, and have instructed me to report the same to the Convention, and recommend that the amendment be concurred in, and that the article as amended do pass, and ask to be discharged from the further consideration of the subject.

W. B. WILLIAMS, *Chairman.*

Report accepted and committee discharged.

Mr. Daniells moved to amend the article by adding the following, to stand as a new section:

Sec. —. The Legislature shall by law require that each taxpayer shall give to the assessor a true and complete list of his personal property, verified by oath or affirmation.

Mr. Daniells demanded the yeas and nays;

The demand was supported, and the motion was lost, the following being the vote thereon:

YEAS.

| | | |
|----------------|-------------|-------------|
| Mr. Alexander, | Mr. Holmes, | Mr. Rafter, |
| Case, | Lawrence, | Richmond, |
| Chapin, | Lovell, | Sheldon, |
| Corbin, | McConnell, | Stockwell, |
| Daniells, | Morton, | Walker, |
| Estee, | Mussey, | Willard, |
| Ferris, | Ninde, | Winsor, |
| Giddings, | Norris, | Withey, |
| Hixson, | Purcell, | Wright, |

NAYS.

| | | |
|--------------|---------------|-----------------|
| Mr. Aldrich, | Mr. Duncombe, | Mr. Sawyer, |
| Andrus, | Elliott, | Shearer, |
| Barber, | Farmer, | T. G. Smith, |
| Bills, | Germain, | Stoughton, |
| Blackman, | Henderson, | Tyler, |
| Bradley, | Huston, | Van Valkenburg, |
| Brown, | Kenney, | P. D. Warner, |
| Chapman, | Leach, | M. C. Watkins, |
| Coolidge, | Luce, | White, |
| Conger, | McClelland, | Winans, |
| Crocker, | Miller, | Williams, |
| Desnoyers, | Murray, | Woodhouse, |
| Divine, | Musgrave, | Yeomans, |
| Duncan, | | 40 |

On motion of Mr. Farmer,

The article was referred to the committee on arrangement and phraseology, for correction and engrossment, and ordered to a third reading.

The article entitled "Amendment and Revision of the Constitution," being before the Convention, and the question being on concurring in the amendments made in committee of the whole, they were considered *seriatim*.

The question being on the amendment made to section 1, it was concurred in.

The question being on the amendment made to section 3, it was concurred in.

The article was then referred to the committee on arrangement and phraseology, for correction and engrossment, and ordered to a third reading.

Mr. Conger offered the following resolution:

Resolved, That the State Librarian be and he is hereby authorized to prepare a full and copious index of the proceedings and debates of this Convention, and cause the same to be published and bound in the volumes of Debates; and that for his services in this matter he be allowed a reasonable sum, to be audited and allowed by the board of State auditors.

On motion of Mr. Conger,

The resolution was laid on the table.

On motion of Mr. Coolidge,

The article entitled "Exemptions," was taken up.

The question being on the motion of Mr. Holt, to recommit the article to the standing committee, with instructions to report the following substitute for section 2:

Sec. 2. The Legislature shall provide for the exemption from forced sale for the collection of any debt on execution or other final process of any court, of every homestead not exceeding forty acres of land and the dwelling house thereon, and the appurtenances, to be selected by the owner thereof, owned and occupied by any resident of this State, and not exceeding fifteen hundred dollars in value. Such exemption shall not extend to any mortgage thereon lawfully obtained, but such mortgage or other alienation of such land by the owner, if a married man, shall not be valid without the signature of the wife to the same.

Mr. Holt modified his substitute by adding thereto the following words:

"This exemption shall not apply to debts contracted for purchase money."

Mr. Lovell offered the following amendment to the substitute:

Amend by striking out the words "and not exceeding," and inserting the words "to an amount not less than;"

Which was not agreed to.

The question recurring on the motion of Mr. Holt,

It was not agreed to.

The article was then passed, a majority of all the members elect voting therefor by yeas and nays as follows :

YEAS.

Mr. Aldrich,
Alexander,
Andrus,
Barber,
Blackman,
Bradley,
Brown,
Case,
Chapin,

Mr. Duncan,
Duncombe,
Elliott,
Estee,
Farmer,
Ferris,
Germain,
Henderson,
Hixson,

Mr. Ninde,
Sawyer,
Sheldon,
T. G. Smith,
Stockwell,
Stoughton,
Tyler,
Van Valkenburg,
Walker,

| | | |
|------------|-----------|---------------|
| Chapman, | Holmes, | P. D. Warner, |
| Coolidge, | Huston, | White, |
| Conger, | Kenney, | Willard, |
| Corbin, | Lawrence, | Winans, |
| Crocker, | Leach, | Winsor, |
| Daniells, | Miller, | Withey, |
| Desnoyers, | Murray, | Wright, |
| Divine, | Musgrave, | President, 51 |

NAYS.

| | | |
|-------------|----------------|--------------|
| Mr. Bills. | Mr. McConnell, | Mr. Shearer, |
| Holt, | Morton, | Williams, |
| Lovell, | Mussey, | Woodhouse, |
| Luce, | Purcell, | Yeomans. |
| McClelland, | Richmond, | 14 |

The article was referred to the committee on arrangement and phraseology for numerical arrangement.

The Convention took up the order of "Third Reading of Articles."

The article entitled "Impeachments and Removals from Office," was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

YEAS.

| | | |
|--------------|-------------|-----------------|
| Mr. Aldrich, | Mr. Ferris, | Mr. Richmond, |
| Alexander, | Germain, | Sawyer, |
| Andrus, | Henderson, | Shearer, |
| Barber, | Hixson, | T. G. Smith, |
| Bills, | Holmes, | Stockwell, |
| Blackman, | Holt, | Stoughton, |
| Bradley, | Huston, | Tyler, |
| Brown, | Kenney, | Van Valkenburg, |
| Case, | Lawrence, | Walker, |
| Chapin, | Leach, | P. D. Warner, |
| Chapman, | Lovell, | M. C. Watkins, |
| Coolidge, | Luce, | White, |
| Conger, | McClelland, | Willard, |
| Corbin, | McConnell, | Winans, |
| Crocker, | Miller, | Winsor, |
| Divine, | Morton, | Withey, |
| Duncan, | Murray, | Williams, |
| Duncombe, | Mussey, | Woodhouse, |
| Elliott, | Musgrave, | Wright, |
| Estee, | Ninde, | Yeomans, |
| Farmer, | Purcell, | President 63 |

87

NAYS.

0

The article was referred to the committee on arrangement and phraseology, for numerical arrangement.

The article entitled "Bill of Rights," was read a third time.

Mr. Withey moved that the article be recommitted to the standing committee, with instructions to strike out section 22;

Which motion did not prevail.

Mr. Van Valkenburgh moved that the article be recommitted to the standing committee, with instructions to strike out section 20;

Which motion did not prevail.

The article was then passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

YEAS.

| | | |
|--------------|-------------|-----------------|
| Mr. Aldrich, | Mr. Ferris, | Mr. Richmond, |
| Alexander, | Germain, | Sawyer, |
| Andrus, | Henderson, | Shearer, |
| Barber, | Hixson, | Sheldon, |
| Bills, | Holmes, | T. G. Smith, |
| Blackman, | Holt, | Stockwell, |
| Bradley, | Huston, | Stoughton, |
| Brown, | Kenney, | Tyler, |
| Case, | Lawrence, | Van Valkenburg, |
| Chapin, | Leach, | Walker, |
| Chapman, | Lovell, | P. D. Warner, |
| Coolidge, | Luce, | M. C. Watkins, |
| Conger, | McClelland, | White, |
| Corbin, | McConnell, | Willard, |
| Crocker, | Miller, | Winans, |
| Desnoyers, | Morton, | Winsor, |
| Divine, | Murray, | Withey, |
| Duncan, | Mussey, | Williams, |
| Duncombe, | Musgrave, | Wright, |
| Elliott, | Ninde, | Yeomans, |
| Estee, | Norris, | President, |
| Farmer, | Purcell, | |

65

NAYS.

0

The article was referred to the committee on arrangement and phraseology, for numerical arrangement.

The article entitled "Military Department," was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

YEAS.

| | | |
|--------------|-------------|-----------------|
| Mr. Aldrich, | Mr. Ferris, | Mr. Richmond, |
| Alexander, | Germain, | Sawyer, |
| Andrus, | Henderson, | Shearer, |
| Barber, | Hixson, | Sheldon, |
| Bills, | Holmes, | T. G. Smith, |
| Blackman, | Holt, | Stockwell, |
| Bradley, | Huston, | Stoughton, |
| Brown, | Kenney, | Tyler, |
| Case, | Lawrence, | Van Valkenburg, |
| Chapin, | Leach, | Walker, |
| Chapman, | Lovell, | P. D. Warner, |
| Coolidge, | Luce, | M. C. Watkins, |
| Conger, | McClelland, | White, |
| Corbin, | McConnell, | Willard, |
| Crocker, | Miller, | Winans, |
| Desnoyers, | Morton, | Winsor, |
| Divine, | Murray, | Withey, |
| Duncan, | Mussey, | Williams, |
| Duncombe, | Musgrave, | Wright, |
| Elliott, | Ninde, | Yeomans, |
| Estee, | Norris, | President, |
| Farmer, | Purcell, | |

65

NAYS.

0

The article was referred to the committee on arrangement and phraseology, for numerical arrangement.

The article entitled "Cities and Villages," was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

YEAS.

| | | |
|--------------|------------|----------------|
| Mr. Aldrich, | Mr. Estee, | Mr. Sawyer, |
| Alexander, | Farmer, | Sheldon, |
| Andrus, | Ferris, | T. G. Smith, |
| Barber, | Germain, | Stockwell, |
| Bills, | Henderson, | Stoughton, |
| Blackman, | Holmes, | Tyler, |
| Bradley, | Holt, | VanValkenburg, |
| Brown, | Huston, | Walker, |
| Case, | Kenney, | P. D. Warner, |
| Chapin, | Leach, | M. C. Watkins, |
| Chapman, | Lovell, | White, |
| Coolidge, | Luce, | Willard, |
| Conger, | McConnell, | Withey, |

| | | | |
|-----------|-----------|------------|----|
| Divine, | Miller, | Williams, | |
| Duncan, | Murray, | Wright, | |
| Duncombe, | Mussey, | Yeomans, | |
| Elliott, | Musgrave, | President, | 51 |

NAYS.

| | | | |
|-------------|-----------------|-------------|----|
| Mr. Corbin, | Mr. McClelland, | Mr. Rafter, | |
| Crocker, | Morton, | Richmond, | |
| Desnoyers, | Ninde, | Shearer, | |
| Hixson, | Norris, | Winans, | |
| Lawrence, | Purcell, | Winsor, | 15 |

The article was referred to the committee on arrangement and phraseology, for numerical arrangement.

The article entitled "Education," was read a third time.

Mr. Conger moved a call of the Convention;

Which motion prevailed.

The roll being called, Messrs. Burtch, Daniells, Giddings, W. A. Smith, W. E. Warner and Woodhouse, were reported absent without leave.

On motion of Mr. Norris,

The Sergeant-at-Arms was dispatched after the absentees.

Mr. Morton moved that all further proceedings under the call be dispensed with;

Which motion did not prevail.

Mr. Alexander moved that the Convention adjourn;

Which motion did not prevail.

The Sergeant-at-Arms announced Messrs. W. E. Warner, W. A. Smith and Woodhouse, at the bar of the Convention.

On motion of Mr. Huston,

Messrs. W. E. Warner, W. A. Smith and Woodhouse were admitted within the bar, severally rendered excuses, which were accepted, and took their seats.

The Sergeant-at-Arms announced Mr. Giddings at the bar of the Convention.

On motion of Mr. Chapin,

Mr. Giddings was admitted within the bar.

On motion of Mr. P. D. Warner,

All further proceedings under the call were dispensed with.

The article entitled "Education" was not passed, the following being the vote thereon:

YEAS.

| | | |
|--------------|-------------|------------------|
| Mr. Aldrich, | Mr. Farmer, | Mr. T. G. Smith, |
| Alexander, | Ferris, | Stoughton, |
| Andrus, | Germain, | Tyler, |
| Barber, | Henderson, | Utey, |
| Bills, | Holmes, | Van Valkenburg, |
| Blackman, | Holt, | Walker, |
| Bradley, | Huston, | P. D. Warner, |
| Case, | Kenney, | M. C. Watkins, |
| Chapin, | Lovell, | White, |
| Chapman, | Luce, | Willard, |
| Coolidge, | McConnell, | Winsor, |
| Conger, | Miller, | Withey, |
| Divine, | Mussey, | Williams, |
| Duncan, | Musgrave, | Woodhouse, |
| Duncombe, | Ninde, | Wright, |
| Elliott, | Sheldon, | President, |
| Estee, | | |

49

NAYS.

| | | |
|------------|-----------------|---------------|
| Mr. Brown, | Mr. McClelland, | Mr. Sawyer, |
| Corbin, | Morton, | Shearer, |
| Crocker, | Murray, | W. A. Smith, |
| Desnoyers, | Norris, | Stockwell, |
| Giddings, | Purcell, | W. E. Warner, |
| Hixson, | Rafter, | Winans, |
| Lawrence, | Richmond, | Yeomans, |
| Leach, | | |

22

On motion of Mr. Alexander,
The Convention adjourned.

SIXTY-FIFTH DAY.

Lansing, Monday, August 12, 1867.

The Convention was called to order by the President at 9 o'clock A. M.

Prayer by Rev. Mr. Potter.

Roll called: a quorum present.

Mr. W. E. Warner asked and obtained leave of absence for himself, and also for Mr. W. A. Smith, until Friday next, on account of important business.

PRESENTATION OF PETITIONS.

By Mr. Brown: petition of Rev. Isaac French, Samuel McKinney, John Harris, and 132 other men and women, citizens of the township of California, Branch county, Mich., praying that the three following important recognitions be incorporated in the Constitution:

First. That God is the source of all power and authority;

Second. That the Lord Jesus Christ, the Mediator, is the rightful ruler of nations and States;

Third. That the will of God as revealed in the Scriptures is the supreme law of nations and States.

Referred to the committee on arrangement and phraseology.

REPORTS OF STANDING COMMITTEES.

By the committee on arrangement and phraseology:

The committee on arrangement and phraseology, to whom was referred Article —, entitled "Miscellaneous Provisions,"

Respectfully report that they have had the same under consideration, and have directed me to report the same back with some corrections, recommending that the same be concurred in, and ask to be discharged from the further consideration of the subject.

T. NINDE, *Chairman.*

Report accepted and committee discharged.

The article was laid on the table, ordered printed at large in the journal, and is as follows:

ARTICLE —.

MISCELLANEOUS PROVISIONS.

SECTION 1. Members of the Legislature, and all officers, executive and judicial, shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of this State, and that I will faithfully discharge the duties of the office of —, according to the best of my ability."

Sec. 2. *Judicial and legislative proceedings shall be conducted,*

and the laws and public records promulgated and preserved in the English language.

Sec. 3. The Legislature shall prohibit public officers *receiving* or having charge of public moneys, [from] using or employing the same in any manner for their private use or benefit, and shall provide that whenever such moneys are deposited with any person or corporation, the interest thereon shall be paid to the fund to which such moneys belong.

Sec. 4. Private property shall not be taken for public use, or for private roads, [unless] the necessity for such taking, and the just compensation to be paid therefor, shall have first been ascertained and determined, and the compensation therefor paid or tendered in such manner as shall be prescribed by law. *Whenever private property shall be taken for any purpose without the limits of any incorporated city or village, except a public highway, the necessity for the taking thereof, and the amount of compensation to be paid therefor, shall be first ascertained and determined by a jury of twelve freeholders, or three commissioners appointed by a court of record; and whenever such property shall be taken within the limits of any incorporated city or village, the necessity for such taking, and the amount of compensation to be paid therefor, shall be first ascertained and determined by a jury of twelve freeholders.*

Sec. 5. The Legislature may authorize the construction of dams across navigable streams, and the improvement of the navigation thereof; but such authority shall not interfere with the public right to the use of [any such stream] for any purpose of which it was susceptible before such dam was built or improvement made.

MOTIONS AND RESOLUTIONS.

On motion of Mr. Luce,

The article entitled "Elections," was taken from the table.

The question being on concurring in the amendments made to the article by the committee of the whole, they were considered *seriatim*.

The amendment made by the committee, striking out the word "ten," in the second line, and inserting in place thereof the word "thirty," being under consideration,

Mr. Alexander demanded the yeas and nays;

The demand was supported, and the amendment was not concurred in, the following being the vote thereon:

YEAS.

| | | |
|--------------|-------------|---------------|
| Mr. Aldrich, | Mr. Farmer, | Mr. Tyler, |
| Alexander, | Leach, | Walker, |
| Bills, | McConnell, | P. D. Warner, |
| Blackman, | Musgrave, | White, |
| Chapin, | Sawyer, | Winsor, |
| Chapman, | Sheldon, | Woodhouse, |
| Coolidge, | Stockwell, | President, |
| Duncombe, | Thompson, | |

23

NAYS.

| | | |
|-------------|-------------|-----------------|
| Mr. Andrus, | Mr. Hixson, | Mr. Purcell, |
| Barber, | Holmes, | Rafter, |
| Bradley, | Holt, | Richmond, |
| Brown, | Huston, | Shearer, |
| Case, | Kenney, | T. G. Smith, |
| Conger, | Lawrence, | W. A. Smith, |
| Corbin, | Longyear, | Utley, |
| Crocker, | Lovell, | Van Valkenburg, |
| Daniells, | Luce, | W. E. Warner, |
| Desnoyers, | McClelland, | M. C. Wakins, |
| Divine, | Miles, | Willard, |
| Duncan, | Miller, | Winans, |
| Elliott, | Morton, | Withey, |
| Ferris, | Murray, | Williams, |
| Germain, | Mussey, | Wright, |
| Giddings, | Ninde, | Yeomans, |
| Henderson, | Norris, | |

50

The second amendment made by the committee to section 1, striking the word "male," from the first subdivision, being under consideration,

Mr. Farmer demanded the yeas and nays.

Pending the debate,

Mr. Giddings having occupied the floor for the time allotted by the rule,

Mr. Alexander moved that Mr. Giddings be allowed to proceed;

Which motion prevailed.

The President asked and obtained leave of absence for the day, and called Mr. Luce to the chair.

Pending the debate on concurring in the second amendment made to section 1 of the article under consideration,

Mr. Lovell having occupied the floor for the time allotted by the rule,

Mr. Bills moved that Mr. Lovell be allowed to proceed;

Which motion prevailed.

The demand for the yeas and nays was supported, and the amendment was not concurred in, the following being the vote thereon:

YEAS.

Mr. Aldrich,
Alexander,
Barber,
Case,
Chapman,
Daniells,
Duncan,
Duncombe,

Mr. Elliott,
Farmer,
Ferris,
Giddings,
Hixson,
Lovell,
Miller,
Murray,

Mr. Sawyer,
Shearer,
Stockwell,
Tyler,
P. D. Warner,
White,
Wright,

23

NAYS.

Mr. Andrus,
Bills,
Blackman,
Bradley,
Brown,
Chapin,
Coolidge,
Conger,
Corbin,
Crocker,
Desnoyers,
Divine,
Estee,
Germain,
Henderson,
Holmes,

Mr. Holt,
Huston,
Kenney,
Lawrence,
Leach,
Longyear,
Luce,
McClelland,
McConnell,
Morton,
Mussey,
Musgrave,
Ninde,
Purcell,
Rafter,

Mr. Richmond,
Sheldon,
T. G. Smith,
Stoughton,
Thompson,
Utiley,
Van Valkenburg,
Walker,
M. C. Watkins,
Willard,
Winans,
Winsor,
Withey,
Williams,
Yeomans,

46

The amendment made by the committee to section 2, insert-

ing in the third line, after the word "State," the words "at such place and in such manner as shall be prescribed by law," being under consideration,

It was concurred in.

The amendment made by the committee to section 4, by inserting the word "misdemeanor," after the word "felony," being under consideration,

It was concurred in.

The amendment made by the committee to section 9, being under consideration, inserting after the word "elector," the words, "or who may, after the adoption of this Constitution, desert from the military or naval service of this State, or the United States."

Mr. Conger moved to amend the amendment, by striking out the word "or," after the word "elector," and inserting in place thereof the words, "nor any person;"

Which motion prevailed.

The question recurring on the amendment as amended,

Mr. Blackman demanded the yeas and nays;

The demand was supported, the amendment as amended and was not concurred, in the following being the vote thereon:

YEAS.

Mr. Case,
Chapin,
Germain,

Mr. Holmes,
Huston,

Mr. McConnell,
Yeomans,

7

NAYS.

Mr. Alexander,
Andrus,
Barber,
Bills,
Blackman,
Bradley,
Brown,
Chapman,
Coolidge,
Conger,
Crocker,
Daniells,
Desnoyers,

Mr. Giddings,
Henderson,
Hixson,
Kenney,
Lawrence,
Leach,
Longyear,
Lovell,
Luce,
McClelland,
Miles,
Miller,
Morton,

Mr. Richmond,
Sawyer,
Shearer,
Sheldon,
T. G. Smith,
Stockwell,
Thompson,
Tyler,
Utley,
Van Valkenburg,
P. D. Warner,
M. C. Watkins,
White,

| | | | |
|-----------|-----------|------------|----|
| Divine, | Murray, | Willard, | |
| Duncan, | Musgrave, | Withy, | |
| Duncombe, | Ninde, | Williams, | |
| Elliott, | Norris, | Woodhouse, | |
| Farmer, | Purcell, | Wright, | |
| Ferris, | Rafter, | | 56 |

The amendment made by the committee to section 10, by inserting after the word "duel," the words "or prize fight," being under consideration,

It was not concurred in.

Amendments to the body of the article being in order,

Mr. Stockwell moved to amend section 1 by striking out the last line.

Mr. Withey moved to amend the section by inserting at the end thereof the words, "who shall possess sufficient knowledge of the English language to converse therein;"

Pending which,

On motion of Mr. Rafter,

The Convention took a recess until 2½ o'clock.

AFTERNOON SESSION.

2½ o'clock P. M.

The Convention was called to order by the Acting President.

Roll called: a quorum present.

Mr. Utley asked and obtained leave of absence for Mr. Estee, for the afternoon.

The Convention resumed the consideration of the article entitled "Elections."

The question being on the amendment to section 1, by adding at the end of the section the words, "who shall possess sufficient knowledge of the English language to converse therein;"

It was not adopted.

The question being on the motion of Mr. Stockwell, to strike out the 11th line,

Mr. Lovell moved to amend the 11th line, by inserting after the word "all," the word "civilized;"

Mr. Lovell demanded the yeas and nays;

The demand was supported, and the amendment was adopted, the following being the vote thereon:

YEAS.

| | | |
|--------------|-------------|----------------|
| Mr. Aldrich, | Mr. Farmer, | Mr. Ninde, |
| Alexander, | Ferris, | Norris, |
| Barber, | Giddings, | Purcell, |
| Bills, | Henderson, | Rafter, |
| Blackman, | Hixson, | Richmond, |
| Bradley, | Holt, | Sawyer, |
| Brown, | Lawrence, | Shearer, |
| Case, | Lovell, | Sheldon, |
| Coolidge, | Luce, | Thompson, |
| Corbin, | McClelland, | Utley, |
| Crocker, | McConnell, | M. C. Watkins, |
| Desnoyers, | Miller, | White, |
| Duncan, | Morton, | Winans, |
| Duncombe, | Murray, | Withey, |
| Elliot, | Musgrave, | Williams, 45 |

NAYS.

| | | |
|-------------|--------------|---------------------|
| Mr. Andrus, | Mr. Kenney, | Mr. Van Valkenburg, |
| Chapin, | Leach, | Walker, |
| Chapman, | Longyear, | P. D. Warner, |
| Conger, | Mussey, | Willard, |
| Daniells, | T. G. Smith, | Winsor, |
| Divine, | Stockwell, | Woodhouse, |
| Germain, | Stoughton, | Wright, |
| Holmes, | Tyler, | Yeomans, |
| Huston, | | 25 |

The question recurring on the motion to strike out the 11th line,

Mr. McClelland demanded the yeas and nays;

The demand was supported, and the motion to strike out the line prevailed, the following being the vote thereon:

YEAS.

| | | |
|-------------|-------------|----------------|
| Mr. Andrus, | Mr. Kenney, | Mr. Tyler, |
| Bills, | Leach, | Utley, |
| Bradley, | Longyear, | Walker, |
| Case, | Luce, | P. D. Warner, |
| Chapin, | McConnell, | M. C. Watkins, |
| Chapman, | Miller, | White, |
| Conger, | Murray, | Willard, |

Divine,
Farmer,
Germain,
Henderson,
Holmes,
Huston,

Mussey,
Ninde,
Sheldon,
T. G. Smith,
Stockwell,
Stoughton,

Winsor,
Williams,
Woodhouse,
Wright,
Yeomens,

38

NAYS.

Mr. Aldrich,
Alexander,
Barber,
Blackman,
Brown,
Coolidge,
Corbin,
Crocker,
Daniells,
Desnoyers,
Duncan,

Mr. Duncombe,
Elliott,
Giddings,
Hixson,
Holt,
Lawrence,
Lovell,
McClelland,
Morton,
Musgrave,

Mr. Norris,
Purcell,
Rafter,
Richmond,
Sawyer,
Shearer,
Thompson,
Van Valkenburg,
Winans,
Withey,

31

Mr. M. C. Watkins moved to strike out the second subdivision of section 1, which is in the following words:

Second. Every male inhabitant of this State, who shall have resided in the United States two years and six months, and declared his intention to become a citizen of the United States, pursuant to the laws thereof, six months preceeding an election;

Mr. McClelland demanded the yeas and nays;

The demand was supported, and the motion did not prevail, the following being the vote thereon:

YEAS.

Mr. Andrus,
Barber,
Blackman,

Mr. Brown,
Case,
Chapman,

Mr. Duncombe,
Murray,
M. C. Watkins, 9

NAYS.

Mr. Aldrich,
Alexander,
Bills,
Bradley,
Chapin,
Coolidge,
Conger,
Corbin,
Crocker,
Daniells,
Desnoyers,

Mr. Holt,
Huston,
Kenney,
Lawrence,
Leach,
Longyear,
Lovell,
Luce,
McClelland,
McConnell,
Miller,

Mr. Sawyer,
Shearer,
Sheldon,
T. G. Smith,
Stockwell,
Stoughton,
Thompson,
Tyler,
Utley,
Van Valkenburg,
Walker,

Divine,
Duncan,
Elliott,
Farmer,
Germain,
Giddings,
Henderson,
Hixson,
Holmes,

Morton,
Mussey,
Musgrave,
Ninde,
Norris,
Purcell,
Rafter,
Richmond,

P. D. Warner,
Willard,
Winans,
Winsor,
Williams,
Woodhouse,
Wright,
Yeomans,

58

Mr. Crocker offered the following substitute for section 1, and also the accompanying resolution:

Sec. 1. In all elections every person of the age of twenty-one years who shall have resided in this State three months, and in the township or ward in which he offers to vote ten days next preceding an election, belonging to either of the following classes, shall be an elector and entitled to vote:

First. Every white male citizen of the United States.

Second. Every white male inhabitant of this State who shall have resided in the United States two years and six months, and declared his intention to become a citizen of the United States, pursuant to the laws thereof, six months preceding an election.

Third. Every white male inhabitant residing in this State on the twenty-fourth day of June, one thousand eight hundred and thirty-five.

Fourth. Every male inhabitant of African descent, a native of the United States.

Resolved, That at the election when the votes of the electors shall be taken for the adoption or rejection of the revised Constitution, a separate ballot may be given by every person having the right to vote for or against the adoption thereof, which said ballot so given shall be deposited in a separate box. And upon the ballot herein provided for shall be written or printed, or partly written and partly printed, the words, "Negro suffrage—Yes," or "Negro Suffrage—No," as such person so voting may prefer. And if at said election a majority of all the votes given for or against negro suffrage shall contain the word "Yes," as above provided, and the revised Constitution is

adopted by the people voting at said election, then the fourth subdivision of section one, Article —, of the revised Constitution, shall be and remain in the same in full force and effect. And if at said election a majority of all the votes given for or against negro suffrage shall contain the word "No," as above provided, and the said revised Constitution is adopted by the people voting at said election, then the said fourth subdivision of section one, of Article —, shall not be and remain therein. And the said revised Constitution shall become operative with the said above named fourth subdivision of section one, of Article —, forming no part or portion thereof.

The question being on the adoption of the substitute for Sec. 1, and the accompanying resolution,

Mr. Mussey demanded the yeas and nays;

The demand was supported, and the substitute and resolution were not adopted, the following being the vote thereon:

YEAS.

| | | |
|----------------|---------------|--------------|
| Mr. Alexander, | Mr. Lawrence, | Mr. Purcell, |
| Chapman, | McClelland, | Rafter, |
| Corbin, | Morton, | Richmond, |
| Crocker, | Ninde, | Shearer, |
| Desnoyers, | Norris, | Winans, |
| Hixson, | | |

16

NAYS.

| | | |
|--------------|--------------|-----------------|
| Mr. Aldrich, | Mr. Germain, | Mr. Stockwell, |
| Andrus, | Henderson, | Stoughton, |
| Barber, | Holmes, | Thompson, |
| Blackman, | Huston, | Tyler, |
| Bradley, | Kenney, | Utley, |
| Brown, | Leach, | Van Valkenburg, |
| Case, | Longyear, | P. D. Warner, |
| Chapin, | Lovell, | M. C. Watkins, |
| Coolidge, | Luce, | White, |
| Conger, | McConnell, | Willard, |
| Daniells, | Miller, | Winsor, |
| Divine, | Murray, | Withey, |
| Duncan, | Mussey, | Williams, |
| Duncombe, | Musgrave, | Woodhouse, |
| Elliott, | Sawyer, | Wright, |
| Farmer, | Sheldon, | Yeomans, |
| Ferris, | T. G. Smith, | |

50

Mr. Andrus moved to amend Sec. 3, by inserting after "elections," the words "to office;"

Which motion did not prevail.

Mr. Farmer moved to amend Sec. 1 by adding the following as a new subdivision, and accompanying resolution:

Fourth. Females shall be entitled to vote under and upon the same conditions and restrictions in this section provided for males.

Resolved, That at the election, when the votes of the electors shall be taken for the adoption or rejection of the revised Constitution, a separate ballot may be given by every person having the right to vote for or against the adoption thereof, to be deposited in a separate box. Upon the ballot provided for in this resolution, shall be written or printed, or partly written and partly printed, the words: "Shall subdivision four, of section one, of Article —, of the revised Constitution remain? Yes;" or "Shall subdivision four, of section one, of Article —, of the revised Constitution remain? No;" as such person so voting may prefer. And, if at said election, a majority of all the votes given for or against the said fourth subdivision of section one, of Article —, remaining as above provided, shall contain the word "yes," and the revised Constitution is adopted by the people voting at said election, then the said fourth subdivision of section one, Article —, of the revised Constitution, shall be and remain in the same, in full force and effect. And if at said election, a majority of all the votes given for or against the said fourth subdivision of section one, of Article —, remaining as above provided, shall contain the word "no," and the said revised Constitution is adopted by the people voting at said election, then the said fourth subdivision of section one, of Article —, shall not be and remain therein; and the said revised Constitution shall become operative with the said above named fourth subdivision of section one, Article —, forming no part or portion thereof.

Mr. Giddings demanded the yeas and nays, which was supported.

After considerable debate,

Mr. Aldrich demanded the previous question;

The demand was sustained, and the main question ordered.

The substitute and resolution were not adopted, the following being the vote thereon:

YEAS.

| | | |
|--------------|-------------|-------------|
| Mr. Aldrich, | Mr. Farmer, | Mr. Sawyer, |
| Alexander, | Ferris, | Shearer, |
| Barber, | Giddings, | Stockwell, |
| Blackman, | Hixson, | Stoughton, |
| Case, | Lovell, | Tyler, |
| Chapin, | Miller, | Utley, |
| Chapman, | Murray, | White, |
| Daniells, | Ninde, | Willard, |
| Duncan, | Norris, | Winsor, |
| Duncombe, | Purcell, | Withey, |
| Elliott, | | |

31

NAYS.

| | | |
|-------------|-------------|-----------------|
| Mr. Andrus, | Mr. Kenney, | Mr. Sheldon, |
| Bradley, | Lawrence, | T. G. Smith, |
| Brown, | Leach, | Thompson, |
| Coolidge, | Longyear, | Van Valkenburg, |
| Conger, | Luce, | Walker, |
| Crocker, | McClelland, | P. D. Warner, |
| Desnoyers, | McConnell, | M. C. Watkins, |
| Divine, | Morton, | Winans, |
| Germain, | Mussey, | Williams, |
| Henderson, | Musgrave, | Woodhouse, |
| Holmes, | Richmond, | Yeomans, |
| Huston, | | |

34

The article was then referred to the committee on arrangement and phraseology, and ordered to a third reading.

On motion of Mr. Walker,

The Convention went into committee of the whole on the general order,

Mr. Stoughton in the chair.

 IN COMMITTEE OF THE WHOLE.

The committee resumed the consideration of the article entitled "Salaries."

Mr. Holt moved to strike out all after the word "offices," in the tenth line, and insert the following words: "It shall not be competent for the Legislature to increase or decrease the salaries as herein provided until after the expiration of ten years next succeeding the adoption of this Constitution; such salaries may also be modified at the expiration of each ten years thereafter, but not at any other time."

The amendment was not adopted.

Mr. McClelland moved to amend Sec. 1, by striking out the word "not," in the tenth line, and inserting the words "or diminish," after the word "increase," in the eleventh line;

Which motion did not prevail.

Mr. Conger moved to amend the section by adding thereto the following: "*Provided*, That nothing herein contained shall be so construed as to prevent the board of supervisors of any county from authorizing an additional compensation to be paid by such county to the circuit judge thereof;"

Which motion prevailed.

Mr. Stockwell moved to amend the section by striking out the words "two thousand," in the seventh line, and inserting in lieu the words "fifteen hundred;"

Which motion did not prevail.

The question being on the substitute of Mr. Huston for the section, which substitute is as follows:

Section 1. The Governor, Secretary of State, State Treasurer, Commissioner of the State Land Office, Superintendent of Public Instruction, Auditor General and Attorney General, shall reside, during the term of their respective offices, at the State Capital, and shall receive respectively the following annual salaries: The Governor, four thousand dollars; the Secretary of State, twenty-five hundred dollars; the State Treasurer, three thousand dollars; the Commissioner of the State Land Office, twenty-five hundred dollars; the Superintendent of Public Instruction, twenty-five hundred dollars; the Auditor General three thousand dollars, and the Attorney General, twenty-five hundred dollars.

The judges of the Supreme Court shall receive an annual salary of three thousand five hundred dollars; the judges of the circuit court shall receive an annual salary of three thousand dollars. None of the officers enumerated in this section shall receive any fees or perquisites whatever, for the performance of any duties connected with their offices. It shall not be competent for the Legislature to increase the salaries herein provided.

The substitute was not adopted.

The question being on striking out the section,

It was withdrawn.

Mr. Conger moved that the committee rise, report the article back to the Convention, asking concurrence in the amendments made thereto, and that the article when so amended, do pass, and ask to be discharged from the further consideration of the subject;

Which motion prevailed.

IN CONVENTION.

The committee rose, and through the chairman, made the following report:

The committee of the whole have had under consideration Article —, entitled "Salaries;"

Have made sundry amendments thereto, and have directed their chairman to report the same back to the Convention, asking concurrence therein, and recommend its passage.

WM. L. STOUGHTON, *Chairman*.

Report accepted and committee discharged.

The article and amendments were laid on the table, ordered printed in the journal, and are as follows:

ARTICLE —.

SALARIES.

SECTION 1. The Governor shall receive an annual salary of three thousand dollars. The Secretary of State shall receive an annual salary of *fifteen hundred* dollars. The State Treasurer shall receive an annual salary of *two thousand* dollars. The

Commissioner of the State Land office shall receive an annual salary of *fifteen hundred* dollars. The Superintendent of Public Instruction shall receive an annual salary of two thousand dollars. The Auditor General shall receive an annual salary of twenty five hundred dollars. The Attorney General shall receive an annual salary of two thousand dollars. The Judges of the Supreme Court shall receive an annual salary of three thousand dollars. The Judges of the Circuit Court shall receive an annual salary of twenty-five hundred dollars. They shall receive no fees or perquisites whatever, for the performance of any duties connected with their offices. It shall not be competent for the Legislature to increase the salaries herein provided, *Provided, That nothing herein contained shall be so construed as to prevent the board of supervisors of any county from authorizing an additional compensation to be paid by such county to the circuit judge thereof.*

On motion of Mr. Henderson

The Convention adjourned.

SIXTY-SIXTH DAY.

Lansing, Tuesday, August 13, 1867.

The Convention was called to order by the President at 9 o'clock A. M.

Prayer by Rev. Mr. Spencer.

Roll called: a quorum present.

Mr. Utley asked and obtained leave of absence for Mr. Estee, for the day, on account of sickness.

Mr. Hixon asked and obtained leave of absence for to-day and to-morrow.

REPORTS OF STANDING COMMITTEES.

By the committee on arrangement and phraseology:

The committee on arrangement and phraseology, to whom was referred Article —, entitled "Legislative Department,"

Respectfully report that they have had the same under consideration, and have directed me to report the same back to

he Convention, with corrections, recommending that the same be concurred in, and ask to be discharged from the further consideration of the subject.

T. NINDE, *Chairman*.

Report accepted and committee discharged.

The article was laid on the table, ordered printed in the Journal.

The article as amended is as follows:

ARTICLE ———.

LEGISLATIVE DEPARTMENT.

SECTION 1. The legislative power is vested in a Senate and House of Representatives.

Sec. 2. The Senate shall consist of thirty-two members. But after the year 1870, the Legislature may increase the number to thirty-three, by authorizing the election of two Senators in that portion of the State now included within the limits of the Thirty-Second Senatorial District. Senators shall be elected for four years, and by single districts. At the first election after the adoption of this Constitution, Senators in the odd numbered districts shall be elected for two years, and in the even numbered districts for four years. Such districts shall be numbered from one to thirty-three inclusive, each of which shall choose one Senator. No county shall be divided in the formation of Senate districts, [unless] such county shall be equitably entitled to two or more Senators.

Sec. 3. The House of Representatives shall consist of *not more than one hundred and ten members*. Representatives shall be chosen for two years, and by single districts. Each representative district shall contain, as nearly as may be, an equal number of inhabitants, and shall consist of convenient and contiguous territory, *but every organized county containing a population of not less than four thousand, and every two or more contiguous organized counties, containing a like population, shall constitute a representative district, and be entitled to one Representative. In every county entitled to more than one Representative, the*

board of supervisors shall assemble at such time and place as may be provided by law, and divide the same into representative districts, equal to the number of Representatives to which such county is entitled by law, and shall cause to be filed in the offices of the Secretary of State and clerk of such county, a description of such representative districts, specifying the number of each district, and the population thereof, according to the last enumeration.

Sec. 4. The Legislature shall provide by law for an enumeration of the inhabitants in the year eighteen hundred and seventy-five, and every ten years thereafter; and at the first session after each enumeration so made, and also at the first session after each enumeration by the authority of the United States, the Legislature shall re-arrange the Senate districts, and apportion anew the Representatives among the counties and districts, according to the number of inhabitants. But no re-arrangement of Senate districts shall vacate the seat of any Senator. Each apportionment, and the division into representative districts by any board of supervisors, shall remain unaltered until the return of another enumeration.

Sec. 5. Every Senator and Representative shall be a citizen of the United States, and a qualified elector of the district he represents. A removal from his district shall be deemed a vacation of his office. No Senator or Representative shall, during the time for which he may have been elected, be eligible to any office, which shall have been created, or the emoluments of which shall have been increased by the Legislature during such term; nor shall he be interested, directly or indirectly, in any contract with the State, or any county thereof, authorized by any law passed during said term.

Sec. 6. No person holding any elective State office, except that of Regent of the University, or member of the Board of Education, and no person holding the office of probate judge, county clerk, register of deeds, county treasurer, sheriff, county superintendent of schools, prosecuting attorney, or any office to which he was appointed by the President of the United States,

by and with the advice and consent of the Senate, shall be allowed to take or hold a seat in either House of the Legislature.

Sec. 7. Senators and Representatives shall not be subject to any civil process during the session of the Legislature, or for fifteen days next before the commencement and after the termination of each session; they shall not be questioned in any other place for any speech in either House.

Sec. 8. *The Legislature shall meet on the first Wednesday of January in the year one thousand eight hundred and sixty-nine, and on the first Wednesday of January, each year thereafter, but at no other time, except as provided in this Constitution. The time of meeting shall be at eleven o'clock in the forenoon, and the time of final adjournment shall be at twelve o'clock noon.*

Sec. 9. Each House shall choose its own officers, except as otherwise provided in this Constitution; determine the rules of its proceedings, and judge of the qualifications, elections and returns of its members, and may, with the concurrence of two-thirds of all the members elected, expel a member. *The reasons for such expulsion shall be entered upon the journal with the names of the members voting on the question.* No member shall be expelled a second time for the same cause; nor for any cause known to his constituents antecedent to his election.

Sec. 10. A majority of each House shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and compel the attendance of absent members, in such manner and under such penalties as each House may prescribe.

Sec. 11. The compensation of the members of the Legislature during the session thereof, shall be four dollars per day, *for actual attendance.* When convened in extra session they shall legislate on no other subjects than those expressly stated in the Governor's proclamation, or submitted to them by special message. They shall be entitled to ten cents, and no more, for every mile actually traveled, going to and returning from the place of meeting, on the usually traveled route, and for stationery, postage and newspapers not exceeding fifteen dollars for each member

during any session. Each member shall be entitled to one copy of the laws, journals and documents of the Legislature of which he was a member; but shall not receive at the expense of the State, books, newspapers, or other perquisites of office, not expressly authorized by this Constitution.

Sec. 12. The President of the Senate and the Speaker of the House of Representatives shall each be entitled to six dollars per diem compensation and the same mileage as members of the Legislature, and no more.

Sec. 13. In case of a contested election, each House shall determine the amount of per diem compensation and mileage to be received by each contestant, but the per diem compensation allowed to both parties, shall not exceed the sum of four dollars per day.

Sec. 14. Each House shall keep a journal of its proceedings, and publish the same, except such parts as may require secrecy. The yeas and nays of the members of either House on any question shall be entered on the journal, at the request of one-fifth of the members elected. Any member of either House may dissent from and protest against any act, proceeding or resolution which he may deem injurious to any person or the public, and have the reason of [his dissent entered on the journal.

Sec. 15. In all elections by either House, or in joint convention, the votes shall be given *viva voce*. All votes on nominations to the Senate shall be taken by yeas and nays, and published with the journal of its proceedings.

Sec. 16. The doors of each House shall be open, unless the public welfare require secrecy. Neither House shall, without the consent of the other, adjourn for more than three days, nor to any other place than where the Legislature may then be in session.

Sec. 17. Bills may originate in either House of the Legislature; but no new bill, *except by a vote of two-thirds of the members elect*, shall be introduced after the first fifty days of a session shall have expired.

Sec. 18. Every bill and joint resolution passed by the Legislature, shall be presented to the Governor before it becomes a law. If he approve, he shall sign it; but if not, he shall return it with his objections, to the House in which it originated, which shall enter the objections at large upon [its] journal and reconsider it. On such reconsideration, if two-thirds of the members elected agree to pass the bill, it shall be sent with the objections to the other House, by which it shall be reconsidered. If approved by two-thirds of the members elected to that House, it shall become a law. In such case the vote of both Houses shall be determined by yeas and nays; and the names of the members voting for and against the bill shall be entered on the journals of each House respectively. If any bill be not returned by the Governor within ten days, (Sundays excepted,) after it has been presented to him, the same shall become a law in like manner as if he had signed it, unless the Legislature, by their adjournment, prevent its return; in which case it shall not become a law. The Governor may approve, sign, and file in the office of the Secretary of State, within five days after the adjournment of the Legislature, any act passed during the last five days of the session, and the same shall become a law.

Sec. 19. Every bill and joint resolution shall be read three times in each House before the final passage thereof. No bill or joint resolution shall become a law without the concurrence of a majority of all the members elected to each House. On the final passage of *each* bill, the vote shall be *taken separately* by yeas and nays, and entered on the journal.

Sec. 20. No law shall embrace more than one *general* object, which shall be expressed in its title. No public act shall take effect or be in force until the expiration of ninety days from the end of the session at which the same is passed, unless the Legislature shall otherwise direct, by a two-thirds vote of the members elected to each House.

Sec. 21. The assent of two-thirds of the members elected to each House of the Legislature, shall be requisite to every bill

appropriating the public money or property, for local or private purposes.

Sec. 22. No law shall be revised, altered or amended by reference to its title only, but the section or sections of the act altered or amended, shall be reenacted and published at length.

Sec. 23. The Legislature shall provide by law that the furnishing of fuel and stationery for the use of the State, the printing and binding the laws and journals, all blanks, papers, and printing for the executive *department and State offices*, and all other printing ordered by the Legislature, shall be let by contract to the lowest *competent and responsible* bidder or bidders, who shall give adequate and satisfactory security for the performance thereof. The Legislature shall prescribe by law the manner in which the State printing shall be executed, and the accounts rendered therefor, and shall prohibit all charges for constructive labor. It shall not rescind nor alter such contract, nor release the person or persons taking the same, or his or their sureties, from the performance of any of the conditions of the contract. No member of the *Board of State Auditors* shall be interested, directly or indirectly, in any contract *with the State*.

Sec. 24. The Legislature shall not establish a State paper, but shall provide for the speedy publication of all statute laws of a public nature, and of such judicial proceedings as it may deem expedient. All laws and judicial decisions shall be free for publication by any person.

Sec. 25. The Legislature may declare the cases in which any office shall be deemed vacant, and also the manner of filling the vacancy, where no provision is made for that purpose in this Constitution.

Sec. 26. The Legislature may confer upon organized townships, incorporated cities and villages, and upon the board of supervisors of the several counties, such powers of a local, legislative and administrative character as they may deem proper.

Sec. 27. The Legislature shall not authorize any city or township to pledge its credit, for the purpose of aiding in the con-

struction of any railroad to [such] an extent [that] the outstanding indebtedness, exclusive of interest, on account of aid to any and all railroads, shall exceed ten per cent. of the assessed valuation of such city or township. *No county shall be authorized to pledge its credit, nor raise money by taxation for any such purposes; but counties in the Upper Peninsula may be authorized to do so, subject to the restrictions in this section as to cities and townships. The question of such aid shall be submitted to a vote of the electors of the county, city or township to be affected thereby.*

Sec. 28. The Legislature may empower any city or township to raise by tax in aid of any railroad company or companies, an amount of money not exceeding ten per centum of the assessed valuation of such city or township, but every such tax shall be first approved by a vote of the electors of such city or township; provided that the amount levied by any such tax, shall not, when added to the principal of the credits of such city or township already pledged for like aid and then outstanding, exceed ten per centum of the assessed valuation aforesaid.

Sec. 29. The Legislature shall not authorize, by private or special law, the sale or conveyance of any real estate belonging to any person, nor vacate nor alter any road laid out by commissioners of highways, or any street or public ground in any city or village, or in any recorded town plat.

Sec. 30. The Legislature shall not grant nor authorize extra compensation to any public officer, agent or contractor, after the service has been rendered or the contract entered into.

Sec. 31. No money shall be appropriated or drawn from the treasury for the benefit of any religious sect or society, theological or religious seminary, or schools under denominational control, nor shall property belonging to the State be appropriated for any such purposes. Each House of the Legislature shall provide for religious exercises at the opening of its daily session.

Sec. 32. The Legislature shall not authorize any lottery or permit the sale of lottery tickets; nor grant divorces; nor audit or allow any private claim or account; nor pass special acts ex-

tending the time for the collection of taxes; *nor pass any act authorizing the grant of license for the sale of ardent spirits or intoxicating liquors.*

Sec. 33. The style of the laws shall be, "The People of the State of Michigan enact."

MOTIONS AND RESOLUTIONS.

On motion of Mr. Leach,

The vote by which the article entitled "Education" was not passed, was reconsidered.

The question recurring on the passage of the article, it was passed, a majority of all the members elect voting therefor, by yeas and nays as follows:

YEAS.

| | | |
|--------------|----------------|------------------|
| Mr. Aldrich, | Mr. Henderson, | Mr. T. G. Smith, |
| Alexander, | Holt, | Stoughton, |
| Andrus, | Howard, | Sutherland, |
| Barber, | Huston, | Thompson, |
| Bills, | Kenney, | Turner, |
| Blackman, | Leach, | Tyler, |
| Bradley, | Longyear, | Utley, |
| Case, | Lovell, | Van Valkenburg, |
| Chapin, | McConnell, | Walker, |
| Chapman, | McKernan, | P. D. Warner, |
| Coolidge, | Miles, | M. C. Watkins, |
| Conger, | Miller, | White, |
| Daniells, | Murray, | Willard, |
| Divine, | Mussey, | Withey, |
| Duncan, | Musgrave, | Williams, |
| Farmer, | Ninde, | Woodhouse, |
| Ferris, | Shearer, | Wright, |
| Germain, | Sheldon, | President, 54 |

NAYS.

| | | |
|------------|-------------|-------------|
| Mr. Brown, | Mr. Holmes, | Mr. Rafter, |
| Corbin, | Lamb, | Richmond, |
| Crocker, | Lawrence, | Sawyer, |
| Desnoyers, | Luce, | Stockwell, |
| Duncombe, | McClelland, | Winans, |
| Elliott, | Morton, | Winsor, |
| Giddings, | Norris, | Yeomans, |
| Hazen, | Purcell, | 23 |

Mr. Farmer moved that Mr. Sheldon be excused from voting;
Which motion was lost.

Mr. Sheldon then voted as recorded.

Mr. M. C. Watkins moved that Mr. Murray be excused from voting;

Which motion was lost.

Mr. Murray then voted as recorded.

The article was referred to the committee on arrangement and phraseology, for numerical arrangement.

UNFINISHED BUSINESS.

The Convention proceeded to the consideration of the unfinished business, being on concurring in the amendments made by the committee of the whole to the article entitled "Salaries."

The amendments were considered *seriatim*.

The question being on concurring in the first amendment made by the committee to the article, striking out the words "two thousand," before the word "dollars," in the second line, as the annual salary of the Secretary of State, and inserting in lieu the words "fifteen hundred;"

It was not concurred in.

The question being on concurring in the second amendment made by the committee, striking out the words "twenty-five hundred," before the word "dollars," in the third line of the section, as the salary of the State Treasurer, and inserting in lieu the words, "two thousand;"

It was not concurred in.

The question being on concurring in the third amendment to the section, striking out the words "two thousand," before the word "dollars," in the fifth line, and inserting in lieu the words "fifteen hundred," as the salary of the Superintendent of Public Instruction;

It was not concurred in.

The question being on concurring in the amendment made by the committee by adding at the end of the section the words:

"*Provided*, That nothing herein contained shall be so construed

as to prevent the board of supervisors of any county from authorizing an additional compensation to be paid by such county, to the circuit judge thereof,"

Mr. Barber moved to amend it by inserting after the word "county," in the second line of the amendment, the words "where such county constitutes a judicial circuit;"

Which motion was lost.

Mr. Conger offered the following substitute for the amendment made by the committee:

"*Provided*, That nothing herein contained shall be construed as to prevent the board of supervisors of any county from authorizing an additional compensation, to be paid by such county to the circuit judge thereof."

Mr. Daniells moved to amend the amendment by adding the words, "from the decision of such board of supervisors there shall be no appeal;"

Which motion was lost.

The substitute was withdrawn.

The amendment made by the committee was not concurred in.

Mr. Ferris moved to amend the article by striking out the word "twenty-five hundred," before the word "dollars," in the ninth line, as the annual salary of the circuit judges, and inserting in lieu thereof the words "three thousand."

Mr. Ferris demanded the yeas and nays.

Mr. Conger demanded the previous question;

The demand was sustained, and the main question ordered.

The demand for the yeas and nays was supported, and the amendment of Mr. Ferris was adopted, the following being the vote thereon:

YEAS.

Mr. Barber,
Bills,
Blackman,
Chapin,
Chapman,
Conger,
Crocker,

Mr. Huston,
Lawrence,
Leach,
Longyear,
Lovell,
McClelland,
McConnell,

Mr. Shearer,
T. G. Smith,
Stoughton,
Sutherland,
Turner,
Utley,
Van Valkenburg,

Daniells,
Desnoyers,
Divine,
Ferris,
Giddings,
Holt,
Howard,

McKernan,
Miles,
Miller,
Norris,
Purcell,
Rafter,
Richmond,

P. D. Warner
White,
Winsor,
Withey,
Williams,
Woodhouse,

41

NAYS.

Mr. Aldrich,
Alexander,
Andrus,
Brown,
Case,
Coolidge,
Duncan,
Duncombe,
Elliott,
Farmer,
Germain,

Mr. Hazen,
Henderson,
Holmes,
Kenney,
Lamb,
Luce,
Morton,
Murray,
Mussey,
Musgrave,
Ninde,

Mr. Sawyer,
Sheldon,
Stockwell,
Thompson,
Walker,
M. C. Watkins,
Willard,
Winans,
Yeomans,
President,

32

On motion of Mr. Daniells,

The Convention took a recess until 2½ o'clock P. M.

AFTERNOON SESSION.

2½ o'clock P. M.

The Convention was called to order by the President.

Roll called: a quorum present.

Mr. Woodhouse asked and obtained leave of absence after to-day, until Thursday next.

Mr. Norris, by unanimous consent, offered the following resolution, which was adopted:

Resolved, That the Secretary be instructed to notify the clerk of the counties of Kalamazoo, Monroe, Eaton and Oakland, that the Convention is waiting for the judicial statistics requested of those counties, with others, some weeks since, and that the returns received, with the exception of the returns from Genesee county, be published in the journal.

UNFINISHED BUSINESS.

The Convention resumed the consideration of the article entitled "Salaries."

Amendments to the body of the article being in order,

Mr. McClelland moved to amend section 1, by striking out all after the word "officers," in line 10, and inserting in lieu thereof the words: "It shall be competent for the Legislature to increase or diminish the salaries herein provided."

Mr. Alexander demanded the yeas and nays;

The demand was supported, and the amendment was adopted, the following being the vote thereon:

YEAS.

| | | |
|--------------|---------------|-----------------|
| Mr. Aldrich, | Mr. Lawrence, | Mr. Shearer, |
| Bradley, | Longyear, | T. G. Smith, |
| Brown, | Lovell, | Stockwell, |
| Case, | Luce, | Tyler, |
| Coolidge, | McClelland, | Van Valkenburg, |
| Corbin, | McConnell, | Walker, |
| Crocker, | Miller, | P. D. Warner, |
| Desnoyers, | Morton, | White, |
| Duncan, | Musgrave, | Willard, |
| Hazen, | Norris, | Williams, |
| Henderson, | Purcell, | Winsor, |
| Holt, | Rafter, | Wright, |
| Huston, | Sawyer, | |

39

NAYS.

| | | |
|----------------|-------------|----------------|
| Mr. Alexander, | Mr. Farmer, | Mr. Richmond, |
| Andrus, | Ferris, | Sheldon, |
| Barber, | Germain, | Stoughton, |
| Bills, | Giddings, | Thompson, |
| Blackman, | Howard, | Turner, |
| Chapin, | Kenney, | Utley, |
| Chapman, | Leach, | M. C. Watkins, |
| Conger, | Miles, | Withey, |
| Daniells, | Murray, | Williams, |
| Divine, | Mussey, | Woodhouse, |
| Duncombe, | Ninde, | Yeomans, |
| Estee, | Pringle, | President, |
| Elliott, | | |

38

Mr. Holt moved to amend the section by adding thereto the following words: "by a two-thirds vote of all the members elect to each house, but not during the term of office for which such officers were respectively elected."

Mr. Giddings called for a division of the question;

The question being on the first clause of the amendment,
It was not adopted.

The question being on the second clause of the amendment,
It was not adopted.

Mr. Winsor moved that the vote by which the amendment offered by Mr. McClelland to section 1 was adopted, be reconsidered.

Mr. Conger demanded the yeas and nays;

The demand was supported, and the motion to reconsider prevailed, the following being the vote thereon:

YEAS.

| | | |
|----------------|---------------|-----------------|
| Mr. Alexander, | Mr. Giddings, | Mr. Stoughton, |
| Andrus, | Holmes, | Sutherland, |
| Barber, | Howard, | Thompson, |
| Bills, | Kenney, | Turner, |
| Blackman, | Leach, | Tyler, |
| Case, | Longyear, | Utley, |
| Chapin, | McKernan, | Van Valkenburg, |
| Chapman, | Miles, | White, |
| Conger, | Murray, | Winsor, |
| Daniells, | Mussey, | Withey, |
| Divine, | Ninde, | Williams, |
| Estee, | Pringle, | Woodhouse, |
| Farmer, | Rafter, | Wright, |
| Ferris, | Richmond, | Yeomans, |
| Germain, | Sheldon, | |

44

NAYS.

| | | |
|--------------|-------------|----------------|
| Mr. Aldrich, | Mr. Huston, | Mr. Purcell, |
| Brown, | Lamb, | Sawyer, |
| Coolidge, | Lawrence, | Shearer, |
| Corbin, | Lovell, | T. G. Smith, |
| Crocker, | Luce, | Stockwell, |
| Desnoyers, | McClelland, | Walker, |
| Duncan, | McConnell, | P. D. Warner, |
| Duncombe, | Miller, | M. C. Watkins, |
| Elliott, | Morton, | Willard, |
| Henderson, | Musgrave, | Winans, |
| Holt, | Norris, | |

32

The question recurring on the amendment offered by Mr. McClelland,

It was not adopted, the following being the vote thereon:

YEAS.

| | | |
|--------------|-------------|-----------------|
| Mr. Aldrich, | Mr. Holt, | Mr. Purcell, |
| Blackman, | Huston, | Rafter, |
| Bradley, | Lamb, | Sawyer, |
| Brown, | Lawrence, | Shearer, |
| Coolidge, | Lovell, | T. G. Smith, |
| Corbin, | Luce, | Stockwell, |
| Crocker, | McClelland, | Van Valkenburg, |
| Desnoyers, | McConnell, | Walker, |
| Duncan, | Miller, | P. D. Warner, |
| Duncombe, | Morton, | M. C. Watkins, |
| Hazen, | Musgrave, | Willard, |
| Henderson, | Norris, | Winans, 36 |

NAYS.

| | | |
|----------------|--------------|--------------|
| Mr. Alexander, | Mr. Germain, | Mr. Sheldon, |
| Andrus, | Giddings, | Stoughton, |
| Barber, | Holmes, | Sutherland, |
| Bills, | Howard, | Thompson, |
| Case, | Kenney, | Turner, |
| Chapin, | Leach, | Tyler, |
| Chapman, | Longyear, | Utley, |
| Conger, | McKernan, | White, |
| Daniells, | Miles, | Winsor, |
| Divine, | Murray, | Withey, |
| Elliott, | Mussey, | Williams, |
| Estee, | Ninde, | Woodhouse, |
| Farmer, | Pringle, | Wright, |
| Ferris, | Richmond, | Yeomans, 42 |

Mr. Bills moved to amend the section by striking out the clause beginning at the period in the ninth line, and inserting in place thereof the following: "They shall not be entitled to any fees or perquisites for the performance of the duties of their respective offices, but all perquisites received shall be paid into the State treasury;"

Which amendment was adopted.

Mr. Giddings moved to amend the section by inserting after the word "thousand," in the fifth line, the words "and five hundred."

Mr. Conger demanded the yeas and nays;

The demand was supported, and the amendment was adopted, the following being the vote thereon:

YEAS.

| | | |
|--------------|--------------|-----------------|
| Mr. Aldrich, | Mr. Howard, | Mr. Sutherland, |
| Andrus, | Huston, | Turner, |
| Bills, | Leach, | Tyler, |
| Bradley, | Longyear, | Van Valkenburg, |
| Case, | Lovell, | Walker, |
| Chapin, | McKernan, | P. D. Warner, |
| Chapman, | Miles, | White, |
| Conger, | Norris, | Willard, |
| Crocker, | Pringle, | Winsor, |
| Daniells, | Sawyer, | Withey, |
| Ferris, | Shearer, | Williams, |
| Germain, | Sheldon, | Woodhouse, |
| Giddings, | T. G. Smith, | Wright, |
| Holt, | Stoughton, | President, 42 |

NAYS.

| | | |
|----------------|-------------|----------------|
| Mr. Alexander, | Mr. Hazen, | Mr. Mussey, |
| Barber, | Henderson, | Musgrave, |
| Blackman, | Holmes, | Ninde, |
| Brown, | Kenney, | Purcell, |
| Coolidge, | Lamb, | Rafter, |
| Corbin, | Lawrence, | Richmond, |
| Desnoyers, | Luce, | Stockwell, |
| Divine, | McClelland, | Thompson, |
| Duncan, | McConnell, | Utle, |
| Duncombe, | Miller, | M. C. Watkins, |
| Elliott, | Morton, | Winans, |
| Estee, | Murray, | Yeomans, |
| Farmer, | | 37 |

Mr. Case offered the following to stand as a new section:

Sec. 2. The Governor, Secretary of State, State Treasurer, Commissioner of the State Land Office and Auditor General, shall superintend in person the duties of their respective offices.

Mr. Case demanded the yeas and nays;

Mr. Henderson moved to amend the amendment by inserting the words, "reside at the Capital of the State, and," after the word "superintend;"

Which motion did not prevail.

The demand for the yeas and nays was supported, and the amendment to the article was adopted, the following being the vote thereon:

YEAS.

| | | |
|--------------|---------------|-----------------|
| Mr. Aldrich, | Mr. Lawrence, | Mr. Stoughton, |
| Andrus, | Longyear, | Sutherland, |
| Blackman, | Lovell, | Thompson, |
| Bradley, | Luce, | Turner, |
| Case, | McClelland, | Tyler, |
| Chapin, | McConnell, | Utley, |
| Chapman, | Miller, | Van Valkenburgh |
| Conger, | Mussey, | P. D. Warner, |
| Daniells, | Musgrave, | M. C. Watkins, |
| Desnoyers, | Ninde, | White, |
| Elliott, | Norris, | Willard, |
| Estee, | Pringle, | Winans, |
| Farmer, | Purcell, | Winsor, |
| Ferris, | Rafter, | Withey, |
| Giddings, | Richmond, | Williams, |
| Henderson, | Sawyer, | Woodhouse, |
| Holt, | Shearer, | Wright, |
| Huston, | Sheldon, | Yeomans, |
| Lamb, | Stockwell, | |

56

NAYS.

| | | |
|----------------|-------------|--------------|
| Mr. Alexander, | Mr. Divine, | Mr. Kenney, |
| Barber, | Duncan, | McKernan, |
| Bills, | Duncombe, | Murray, |
| Brown, | Germain, | T. G. Smith, |
| Coolidge, | Hazen, | Walker, |
| Corbin, | Holmes, | President, |
| Crocker, | Howard, | |

20

Mr. Aldrich moved to amend Sec. 1, by striking out of the seventh line the words, "two thousand," and inserting in lieu, the words, "fifteen hundred."

Mr. Lovell moved to amend the amendment by striking out the word "fifteen," and inserting in lieu thereof the words, "twenty-five;"

Which motion did not prevail.

The question recurring on the amendment of Mr. Aldrich, It was not agreed to.

Mr. Musgrave offered the following substitute for the section:

"The Governor, the Secretary of State, the State Treasurer, the Commissioner of the State Land Office, the Superintendent of Public Instruction, the Auditor General, the Attorney General,

and the Judges of the several courts, shall at stated times receive for their services a compensation to be established by law, which shall neither be increased nor diminished during the period for which they shall have been elected."

Mr. Huston demanded the yeas and nays.

Mr. Blackman moved to amend the amendment, by striking out all after the word "law;"

Which motion was lost.

Mr. Miller moved to amend the substitute, so that it shall read as follows:

"The Governor shall receive an annual salary of two thousand dollars; Secretary of State, fifteen hundred dollars; State Treasurer, two thousand dollars; Commissioner of the State Land Office, fifteen hundred dollars; Superintendent of Public Instruction, two thousand dollars; Auditor General, twenty-five hundred dollars; Attorney General, two thousand dollars; and the Judges of the Supreme and Circuit Courts, three thousand dollars each."

Which motion did not prevail.

The question recurring on the adoption of the substitute, the demand for the yeas and nays was supported, and the substitute was not adopted, the following being the vote thereon:

YEAS.

| | | |
|--------------|-----------|----------------|
| Mr. Aldrich, | Mr. Luce, | Mr. Stockwell, |
| Coolidge, | Morton, | Thompson, |
| Corbin, | Murray, | Walker, |
| Duncan, | Musgrave, | M. C. Watkins, |
| Henderson, | Ninde, | Willard, |
| Lamb, | Pringle, | Winans, |
| Lawrence, | | |

19

NAYS.

| | | |
|----------------|------------|--------------|
| Mr. Alexander, | Mr. Estee, | Mr. Purcell, |
| Andrus, | Farmer, | Richmond, |
| Barber, | Ferris, | T. G. Smith, |
| Bills, | Germain, | Stoughton, |
| Blackman, | Giddings, | Sutherland, |
| Bradley, | Holmes, | Turner, |
| Brown, | Holt, | Tyler, |
| Case, | Howard, | Utley, |

| | | |
|------------|-------------|-----------------|
| Chapin, | Huston, | Van Valkenburg, |
| Chapman, | Kenney, | P. D. Warner, |
| Conger, | Leach, | White, |
| Crocker, | Longyear, | Winsor, |
| Daniells, | Lovell, | Withey, |
| Desnoyers, | McClelland, | Williams, |
| Divine, | McKernan, | Woodhouse, |
| Duncombe, | Miller, | Wright, |
| Elliott, | Mussey, | Yeomans, 51 |

The article was then referred to the committee on arrangement and phraseology, for correction and engrossment, and placed on order of third reading of articles.

Mr. Leach, by unanimous consent, moved to take from the table the article entitled "Finance and Taxation;"

Which motion prevailed.

Mr. Giddings moved to lay the article on the table;

Which motion was lost.

On motion of Mr. Leach,

The article was recommitted to the standing committee, with instructions to amend section 14, by adding thereto the following: "After the year 1873, said Board of Equalization shall be constituted in such manner as the Legislature may direct."

Mr. Huston moved to amend the instructions, by striking out the word "three," after the word "seventy," and inserting in lieu thereof, the word "six;"

Which motion was lost.

Mr. Lovell moved to amend the instructions, by striking out the words, "shall be constituted," and inserting in lieu thereof, the words, "may be reconstituted;"

Which motion was lost.

The motion of Mr. Leach then prevailed.

Mr. Leach, by unanims consent, submitted the following report:

By the committee on finance and taxation:

The committee on finance and taxation, to whom was recommitteed the article entitled "Finance and Taxation," with specific instructions to amend the same, respectfully report that they have had the matter under consideration, and have directed

me to report the article back to the Convention, amended in accordance with such instructions, and recommend that the article as thus amended do pass, and ask to be discharged from the further consideration of the subject.

D. C. LEACH, *Chairman*.

Report accepted and committee discharged.

The amendment reported by the committee was concurred in.

The article was then placed on the order of third reading of articles, ordered printed in the journal, and is as follows:

ARTICLE ———.

FINANCE AND TAXATION.

SECTION 1. All specific State taxes shall be applied in paying the interest on the primary school, university and other educational funds, and the interest and principal of the State debt, in the order herein recited, until the extinguishment of the State debt, other than the amounts due to educational funds, when such specific taxes shall be added to and constitute a part of the primary school interest fund.

Sec. 2. The Legislature shall provide for an annual tax, sufficient, with other resources, to pay the estimated expenses of the State government, the interest of the State debt, and such deficiency as may occur in the resources.

Sec. 3. The Legislature shall provide by law a sinking fund to be applied solely to the payment and extinguishment of the principal of the State debt, other than the amounts due to educational funds, which [sinking fund] shall be continued until the extinguishment [of such State debt;] and every law hereafter enacted by the Legislature, creating a debt or authorizing a loan, shall provide a sinking fund for the payment of the same.

Sec. 4. The unfunded debt shall not be funded or redeemed at a value exceeding that established by law in [the year] one thousand eight hundred and forty-eight.

Sec. 5. The State may contract debts to meet deficits in revenue. Such debts shall not in the aggregate at any time exceed fifty thousand dollars. The moneys so raised shall be

applied to the purposes for which they were obtained, or to the payment of the debts so contracted.

Sec. 6. The State may contract debts to repel invasion, suppress insurrection, or defend the State in time of war. The money arising from the contracting of such debts shall be applied to the purposes for which it was raised, or to pay such debts.

Sec. 7. No money shall be paid out of the treasury, except in pursuance of appropriations made by law.

Sec. 8. The credit of the State shall not be granted to, or in aid of, any person, association or corporation.

Sec. 9. No scrip, certificate, or other evidence of *State* indebtedness shall be issued, except for the redemption of stock previously issued, or for such debts as are expressly authorized in this Constitution.

Sec. 10. The State shall not subscribe to, or be interested in, the stock of any company, association or corporation.

Sec. 11. The State shall not be a party to, or interested in, any work of internal improvement, *except the ship canal at the Sault Ste. Marie*, nor engage in carrying on any such work, [otherwise than] in the expenditure of grants to the State, of land or other property.

Sec. 12. The Legislature shall provide a uniform rule of taxation, except on property *and corporations* paying specific taxes. Taxes shall be levied on such property as shall be prescribed by law.

Sec. 13. All assessments hereafter authorized shall be on property at its cash value.

[Sec. 14. The Legislature shall provide for an equalization of assessments on all taxable property, except that paying specific taxes, to be made in the year eighteen hundred and seventy-one, and every fifth year thereafter, by a State Board of Equalization, to consist of one member from each Senatorial district, to be elected as shall be prescribed by law.] *After the year eighteen hundred and seventy-three, said Board of Equalization shall be constituted in such manner as the Legislature may direct.*

Sec. 15. Every law which imposes, continues or revives a tax, shall distinctly state the tax, and the object to which it is to be applied; and it shall not be sufficient to refer to any other law to fix such tax or object.

Sec. 16. A full account of the State indebtedness, and an accurate statement of receipts and expenditures of the public moneys, shall be attached to, and published with the laws passed at every regular session of the Legislature.

Sec. 17. *The State shall not assume [any indebtedness] of a county, township or city.*

Mr. Withey moved to take from the order of third reading of articles, the article entitled "Judicial Department;"

Which motion prevailed.

Mr. Mussey moved that the article be put on its final passage.

Mr. Turner moved that the article be recommitted to the standing committee, with instructions to add thereto a new section as follows:

Section —. In order to entitle any person to practice as an attorney and counselor at law, or solicitor and counselor in chancery, he shall be examined in the Supreme or Circuit Courts, in the presence of the judge or judges thereof, and said court shall be satisfied that he possesses sufficient legal learning and ability to discharge the duties of such office.

Mr. Sawyer moved to amend the instructions by providing that students at law shall procure a certificate of some practicing attorney that said students have studied under their instruction for seven years, before they shall be admitted to examination;

Which motion was lost.

The question recurring on the motion of Mr. Turner,

It was not agreed to.

On motion of Mr. Lawrence,

The Convention adjourned.

Lansing, Wednesday, August 14, 1867.

The Convention was called to order by the President at 9 o'clock A. M.

Prayer by Rev. Mr. Potter.

Rolled called: a quorum present.

PRESENTATION OF PETITIONS.

By Mr. Lamb: petition of Ellery A. Brownell, Lorenzo Howard, George W. Pitcher and 52 others, citizens of the county of Lapeer, asking the retention of section 47, article 4, of the old Constitution, in the new one.

Referred to the committee on intoxicating liquors.

By Mr. Tyler: petition of M. P. Thurston and 39 others, men and women of Colon, St. Joseph county, for prohibition of the sale of intoxicating liquors.

Referred to the committee on intoxicating liquors.

The following is a statement of the returns received from county clerks in compliance with a resolution of the Convention calling for the information furnished:

Causes in Circuit Courts of Organized Counties of Michigan pending January 1st, 1866, and July 1st, 1867; Number disposed of in that period by Trial, or Judgment; aggregate amount of Judgments in Civil Causes; number of days session in 1866.

| COUNTIES. | Jan. 1, 1866. | | July 1, 1867. | | July 1, 1867. | | Dispd of between Jan. 1, 1866 and July 1, 1867. | | Aggreg'e of Judgments in Civil Causes. | No. of Days Session in 1866. | REMARKS. |
|-----------------------|---------------|-----------|---------------|-----------|---------------|-----------|---|------------|--|---|----------|
| | Civil. | Criminal. | Civil. | Criminal. | Civil. | Criminal. | Civil. | Criminal. | | | |
| Allegheny, | 30 | 12 | 63 | 16 | 33 | 22 | 22 | \$6,833 91 | 16 | Cases settled or discontinued not included. Judgments exclusive of cost. Chancery cases not reported. All cases reported since 1858. | |
| Alpena, | 19 | 25 | 25 | 2 | 31 | 2 | 2 | 18 00 | 9 | | |
| Armstrong, | 1 | | | | 1 | | | | 2 | | |
| Barry, | 31 | 4 | 53 | 5 | 55 | 15 | 15 | 7,908 05 | | | |
| Baldwin, | 128 | | 175 | 3 | 62 | 10 | 10 | 24,553 35 | 16 | | |
| Berks, | 73 | | 158 | 3 | 49 | 18 | 18 | 13,006 41 | 18 | | |
| Birch, | 95 | 15 | 81 | 10 | 80 | 17 | 17 | 10,492 27 | 28 | | |
| Bloch, | 370 | 6 | 402 | 10 | 60 | 53 | 53 | 39,863 97 | 52 | | |
| Brown, | 36 | 2 | 49 | 18 | 18 | 14 | 14 | 2,368 15 | 14 | | |
| Butler, | | | | | | | | | | | |
| Chesogan, | | | | | | | | | | | |
| Chippewa, | 23 | 5 | 54 | | 50 | 10 | 10 | 22,971 25 | 22 | | |
| Columbia, | 2 | | 54 | 1 | 2 | 1 | 1 | | 9 | | |
| Dale, | | | | | | | | | | | |
| Delaware, | 1 | 1 | 1 | 1 | | | | | 1 | | |
| Emmet, | | | | | | | | | | | |
| Genesee, | | | | | | | | | | | |
| Grand Traverse, | 2 | | 24 | 2 | 7 | | | 2,443 34 | 6 | | |
| Hastings, | 15 | 1 | 6 | | 23 | 5 | 5 | 5,998 84 | 5 | | |
| Hillsdale, | 67 | 5 | 127 | 9 | 127 | 30 | 30 | 25,655 25 | 40 | | |
| Houghton, | 13 | 9 | 21 | 8 | 49 | 55 | 55 | 41 00 | 32 | | |
| Huron, | | | | | | | | | | | |
| Ingham, | 16 | 8 | 81 | 21 | 45 | 12 | 12 | 9,646 92 | 10 | | |
| Ionia, | 103 | 3 | 116 | 4 | 77 | 9 | 9 | 21,843 87 | 29 | | |
| Iosco, | 4 | 2 | 14 | 2 | 2 | 1 | 1 | 104 27 | 5 | | |
| Jackson, | 6 | 2 | 7 | | 1 | | | | 2 | | |
| Kalamazoo, | 14 | 5 | 65 | 13 | 106 | 47 | 47 | 25,985 51 | 30 | | |
| Kenilworth, | | | | | | | | | | | |
| Keweenaw, | 1,061 | 67 | 1,332 | 26 | 213 | 41 | 41 | 57,308 00 | 56 | | |
| Leelanau, | | | | | | | | | | | |
| Le Sueur, | 233 | 5 | 307 | 3 | 41 | 11 | 11 | 3,778 34 | 12 | | |

Causes in Circuit Courts of Organized Counties, &c.,—Continued.

| COUNTIES. | Jan. 1, 1866. | | Jan. 1, 1867. | | July 1, 1867. | | Dis'nd of between Jan. 1, 1866, and July 1, 1867. | | Aggreg's of Judg- ments in Civil Causes. | No. of days in Session in 1866. | REMARKS. |
|------------------|---------------|-----------|---------------|-----------|---------------|-----------|---|-----------|---|---------------------------------------|----------|
| | CIVIL. | CRIMINAL. | CIVIL. | CRIMINAL. | CIVIL. | CRIMINAL. | CIVIL. | CRIMINAL. | | | |
| Leelanaw,..... | 55 | 21 | 113 | 10 | 175 | 103 | 42,142 61 | 142 | No. of days, 1867, from Jan. 1st, to July 16th, 80. | | |
| Lemawee,..... | 26 | 2 | 22 | ..... | 23 | 9 | 10 00 | 14 | | | |
| Livingston,..... | 1 | 1 | 2 | ..... | 3 | 1 | 1,196 00 | 7 | | | |
| Mackinaw,..... | 70 | 21 | 93 | 21 | 37 | 35 | 5,684 14 | 26 | | | |
| Macomb,..... | ..... | ..... | ..... | 1 | 13 | 1 | 1,417 75 | 2 | | | |
| Manistee,..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... |  |  |  |
| Manitou,..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... |  |  |  |
| Marquette,..... | 3 | ..... | 3 | ..... | 6 | ..... | 650 00 | 3 | | | |
| Mason,..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... |  |  |  |
| Meecosta,..... | 11 | 17 | 8 | 8 | 73 | 5 | 10 00 | 9 | | | |
| Menominee,..... | 3 | 3 | 29 | 1 | 6 | 4 | 412 23 | 2 | | | |
| Midland,..... | 36 | 8 | 19 | 4 | 32 | 9 | 4,570 49 | 7 | | | |
| Monroe,..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... |  |  |  |
| Montcalm,..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... |  |  |  |
| Muskegon,..... | 25 | 2 | 52 | 5 | 42 | 18 | 5,496 52 | 10 | | | |
| Newaygo,..... | 26 | 2 | 37 | 3 | 31 | 5 | 6,481 43 | 9 | | | |
| Oakland,..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... |  |  |  |
| Oceana,..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... |  |  |  |
| Ontonagon,..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... |  |  |  |
| Otawawa,..... | 36 | 136 | 114 | 194 | 13 | 21 | 105 00 | 20 | | | |
| Saginaw,..... | 119 | 32 | 224 | 10 | 334 | 45 | 213,273 95 | 80 | | | |
| Shulbac,..... | 43 | 15 | 26 | 8 | 32 | 7 | 949 54 | ..... |  |  |  |
| Shawassee,..... | 43 | 30 | 50 | 3 | 40 | 7 | 44 00 | 24 | | | |
| St. Clair,..... | 266 | 17 | 352 | 14 | 142 | 38 | 548 65 | 32 | | | |
| St. Joseph,..... | 61 | 3 | 105 | 6 | 83 | 19 | 375 00 | 24 | | | |
| Tuscola,..... | 14 | 4 | 11 | 9 | 9 | 2 | 166 39 | 4 | | | |
| Van Buren,..... | 66 | 4 | 138 | 4 | 44 | 11 | 11,000 00 | 9 | | | |
| Washington,..... | 194 | 14 | 284 | 16 | 190 | 26 | 21,716 83 | 44 | | | |
| Wayne,..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... |  |  |  |

County Clerk unable to give desired information, by
[reason of confused records.

During the year 1866 no terms, the Circuit Judge not
appearing.
Chancery cases Jan. 1, 1866, 72; Chancery cases July
1, 1867, 95. 67 Chancery cases disposed of.
(See next page.)

In the Circuit Court for the County of Wayne.

| TERMS. | NOTICED FOR TRIAL, AS FOLLOWS. | | | | | Total Cases Noticed each Term. | No. of Judgments obtained. | Criminal Trials. | No. days of Court each Term. | Amount of Judgm'ts for Each Term. |
|---------------|--------------------------------|---------------|---------------|-------------|----------------------|--------------------------------|----------------------------|------------------|------------------------------|-----------------------------------|
| | By Jury. | By the Court. | Issues of Law | Imprudence. | Chancery, all Cases. | | | | | |
| January, 1866 | 53 | 40 | 6 | 2 | 27 | 128 | 49 | 2 | 31 | \$22,526 52 |
| April, " | 84 | 72 | 6 | ..... | 39 | 201 | 85 | 3 | 43 | 62,575 27 |
| Sept., " | 123 | 49 | 4 | 1 | 33 | 210 | 59 | 3 | 42 | 43,193 38 |
| Nov., " | 112 | 40 | ..... | ..... | 15 | 167 | 57 | 6 | 39 | 39,644 62 |
| January, 1867 | 99 | 35 | 4 | ..... | 17 | 155 | 55 | 5 | 43 | 59,592 90 |
| April, " | 129 | 42 | 10 | 2 | 38 | 221 | 54 | 3 | 40 | 35,066 92 |
| | 600 | 278 | 30 | 5 | 169 | 1082 | 359 | 22 | 238 | \$262,599 50 |

N. B.—This statement does not include either decrees, or amount of decrees in Chancery.

REPORTS OF STANDING COMMITTEES.

By the committee on arrangement and phraseology:

The committee on arrangement and phraseology, to whom were referred Article —, entitled "Elections," and Article —, entitled "Amendment and Revision of the Constitution,"

Respectfully report that they have had the same under consideration, and have directed me to report the same back to the Convention, with the accompanying amendments, recommending that the amendments be concurred in, and ask to be discharged from the further consideration of the subject.

T. NINDE, *Chairman.*

Report accepted and committee discharged.

The articles as amended are as follows:

ARTICLE —.

ELECTIONS.

SECTION 1. In all elections every person of the age of twenty-one years, who shall have resided in this State three months, and in the township or ward in which he offers to vote ten days next preceding an election, belonging to either of the following classes, shall be an elector and entitled to vote:

First. Every male citizen of the United States.

Second. Every male inhabitant of this State, who shall have resided in the United States two years and six months, and declared his intention to become a citizen of the United States, pursuant to the laws thereof, six months preceding an election.

Third. Every male inhabitant residing in this State on the twenty-fourth day of June, one thousand eight hundred and thirty-five.

Sec. 2. In time of war, insurrection or rebellion, the right to vote [at such place and in such manner as shall be prescribed by law,] shall be enjoyed by all persons otherwise entitled thereto, who may be in the actual military or naval service of the United States, or of this State: *Provided*, Their votes shall be made to apply to the township or ward of which they are residents.

Sec. 3. All elections shall be by ballot, except of such township officers as may be authorized by law to be otherwise chosen.

Sec. 4. Every elector, in all cases except treason, felony, *mis-demeanor* or breach of the peace, shall be privileged from arrest during his attendance at election, and in going to and returning from the same.

Sec. 5. No elector shall be obliged to [attend court as a suitor or witness] on the day of election, [or to do military duty thereon except in time of] war or public danger.

Sec. 6. No elector shall be deemed to have gained or lost [his] residence by reason of [absence therefrom] in the service of the United States or of this State, nor while engaged in the navigation of the waters of this State or of the United States, or of the high seas, nor while a student at any seminary of learning, nor while kept at any alms-house or other asylum at public expense, nor while confined in any public prison.

Sec. 7. Laws may be passed to preserve the purity of elections, and guard against the abuses of the elective franchise.

Sec. 8. No soldier, seaman nor marine in the army or navy of the United States shall be deemed a resident of this State,

in consequence of being stationed in any military or naval place within the same.

Sec. 9. No idiot or insane person shall be entitled to the privileges of an elector.

Sec. 10. Any inhabitant of this State, who may be hereafter engaged in a duel, shall be disqualified from holding any office and from voting at any election.

Sec. 11. The Legislature may authorize townships to hold their elections within the corporate limits of adjoining cities.

ARTICLE —.

AMENDMENT AND REVISION OF THE CONSTITUTION.

SECTION 1. Any amendment or amendments to this Constitution, may be proposed in the Senate or House of Representatives. If the same be agreed to by two-thirds of the members elect to each House, such amendment or amendments shall be entered on their journals respectively, with the yeas and nays taken thereon, and the same shall be submitted to the electors *at such time as the Legislature shall prescribe*. And if a majority of the electors, qualified to vote for members of the Legislature, voting on the amendment or amendments proposed, shall ratify and approve such amendment or amendments, the same shall become a part of the Constitution.

Sec. 2. At any time after the *first day of January*, A. D. 1880, the Legislature may provide for a Convention to revise or amend the Constitution. The question of the revision or amendment shall be submitted to the electors qualified to vote for members of the Legislature, in such manner as may be provided by law. And in case a majority of the electors voting at such election, on such question, shall decide in favor of a Convention for such purpose, the Legislature, at the next session thereafter, shall provide by law for the election of Delegates to such Convention. All amendments shall take effect at the commencement of the year after their adoption, except as otherwise provided by law, or by this Constitution.

UNFINISHED BUSINESS.

The Convention took up the unfinished business.

The question being on the motion of Mr. Mussey, to put the article entitled "Judicial Department," on its final passage,

The motion prevailed.

The article was then read a third time and passed, the following being the vote thereon:

YEAS.

| | | |
|--------------|-------------|-----------------|
| Mr. Aldrich, | Mr. Harris, | Mr. Rafter, |
| Alexander, | Hazen, | Richmond, |
| Andrus, | Henderson, | Sawyer, |
| Barber, | Holmes, | Shearer, |
| Bills, | Holt, | Sheldon, |
| Birney, | Howard, | T. G. Smith, |
| Blackman, | Huston, | Stockwell, |
| Bradley, | Kenny, | Stoughton, |
| Brown, | Lamb, | Sutherland, |
| Case, | Leach, | Thompson, |
| Chapin, | Longyear, | Turner, |
| Chapman, | Lovell, | Tyler, |
| Coolidge, | Luce, | Utiley, |
| Conger, | McClelland, | Van Valkenburg, |
| Corbin, | McConnell, | Walker, |
| Crocker, | McKernan, | P. D. Warner, |
| Daniells, | Miles, | M. C. Watkins, |
| Desnoyers, | Miller, | White, |
| Divine, | Morton, | Willard, |
| Duncan, | Murray, | Winans, |
| Duncombe, | Mussey, | Winsor, |
| Elliott, | Musgrave, | Withey, |
| Estee, | Ninde, | Williams, |
| Farmer, | Norris, | Wright, |
| Ferris, | Pringle, | Yeomans, |
| Germain, | Purcell, | President, |
| Giddings, | | |

79

NAYS.

0

The article was referred to the committee on arrangement and phraseology, for numerical arrangement.

On motion of Mr. Pringle,

The article entitled "Corporations other than Municipal," was taken from the table.

The pending question being on the motion of Mr. Farmer to

reconsider the vote by which the words "amended or repealed," were added after the word "enlarged," in section 1,

The motion prevailed.

The question recurring on the amendment,

Mr. Conger demanded the yeas and nays;

The demand was supported, and the amendment was not adopted, the following being the vote thereon:

YEAS.

| | | |
|---------------|-------------|---------------|
| Mr. Blackman, | Mr. Leach, | Mr. Richmond, |
| Corbin, | Longyear, | Shearer, |
| Crocker, | Luce, | T. G. Smith, |
| Desnoyers, | McClelland, | Sutherland, |
| Duncan, | McKernan, | Turner, |
| Duncombe, | Miller, | Tyler, |
| Giddings, | Morton, | Walker, |
| Harris, | Ninde, | Winans, |
| Holt, | Norris, | Withey, |
| Huston, | Pringle, | |

29

NAYS.

| | | |
|--------------|-------------|-----------------|
| Mr. Aldrich, | Mr. Farmer, | Mr. Purcell, |
| Alexander, | Ferris, | Sawyer, |
| Andrus, | Germain, | Sheldon, |
| Barber, | Hazen, | Stockwell, |
| Bills, | Henderson, | Stoughton, |
| Bradley, | Holmes, | Thompson, |
| Brown, | Howard, | Utley, |
| Case, | Kenney, | Van Valkenburg, |
| Chapin, | Lamb, | M. C. Watkins, |
| Chapman, | Lovell, | White, |
| Coolidge, | McConnell, | Willard, |
| Conger, | Miles, | Winsor, |
| Daniells, | Murray, | Williams, |
| Divine, | Mussey, | Wright, |
| Elliott, | Musgrave, | Yeomans, |
| Estee, | | |

46

Mr. McClelland moved to amend section 1 by striking out the word "manufacturing," in the second line.

Mr. McClelland demanded the yeas and nays;

The demand was supported, and the amendment was adopted, the following being the vote thereon:

YEAS.

| | | |
|--------------|-------------|-----------------|
| Mr. Aldrich, | Mr. Harris, | Mr. Richmond, |
| Alexander, | Hazen, | Sawyer, |
| Andrus, | Henderson, | Shearer, |
| Barber, | Holt, | Sheldon, |
| Blackman, | Howard, | T. G. Smith, |
| Brown, | Huston, | Stockwell, |
| Case, | Kenney, | Stoughton, |
| Chapin, | Lamb, | Sutherland, |
| Chapman, | Leach, | Thompson, |
| Coolidge, | Longyear, | Turner, |
| Conger, | Luce, | Tyler, |
| Corbin, | McClelland, | Utley, |
| Daniells, | McConnell, | Van Valkenburg, |
| Desnoyers, | McKernan, | Walker, |
| Divine, | Miles, | M. C. Watkins, |
| Duncan, | Morton, | White, |
| Duncombe, | Mussey, | Willard, |
| Elliott, | Musgrave, | Winans, |
| Estee, | Ninde, | Withey, |
| Farmer, | Pringle, | Williams, |
| Ferris, | Purcell, | Wright, |
| Giddings, | Rafter, | Yeomans, 66 |

NAYS.

| | | |
|------------|--------------|-------------|
| Mr. Bills, | Mr. Germain, | Mr. Murray, |
| Bradley, | Lovell, | Winsor, |
| Crocker, | Miller, | 8 |

Mr. Norris moved to amend section 1, by inserting in the 1st line, after the word "organizations," the words "for railroads and."

Mr. Blackman moved to amend the amendment, by inserting before the word "railroads," the words "the construction of ;"

Which was accepted.

The question recurring on the amendment of Mr. Norris, as amended;

It was adopted.

Mr. Rafter moved to strike out in the 3d line of section 1, the word "and religious societies," and insert the word "and," after the word "telegraphing;"

Which motion did not prevail.

The amendment made by the standing committee to the article, as amended, was then concurred in.

The question being on concurring in the amendment made by the standing committee to section 6;

It was concurred in.

The question being on concurring in adopting the new section reported by the committee, to stand as section 8;

It was concurred in.

Mr. Withey offered the following amendment to stand as a new section:

Sec. —. No ecclesiastical corporation or officer shall hereafter acquire or hold any lands or interest in lands, or landed securities in this State, except corporations aggregate, incorporated under the laws of this State or of the Territory of Michigan. And the trustees and officers of all such corporations shall be citizens of the United States and of this State.

Mr. Aldrich demanded the yeas and nays;

The demand was supported, and the amendment was not adopted, the following being the vote thereon:

YEAS.

Mr. Aldrich,
Alexander,
Andrus,
Bills,
Birney,
Chapman,
Coolidge,
Daniells,
Duncan,
Elliott,

Mr. Farmer,
Germain,
Kenney,
Leach,
Longyear,
Lovell,
Miller,
Mussey,
Root,

Mr. Shearer,
Sheldon,
Thompson,
Van Valkenburg,
M. C. Watkins,
White,
Withey,
Wright,
Yeomans,

28

NAYS.

Mr. Barber,
Blackman,
Bradley,
Brown,
Case,
Chapin,
Conger,
Corbin,
Crocker,

Mr. Henderson,
Holmes,
Holt,
Howard,
Huston,
Lamb,
Luce,
McClelland,
McConnell,

Mr. Pringle,
Rafter,
Richmond,
Sawyer,
T. G. Smith,
Stockwell,
Stoughton,
Sutherland,
Tyler,

| | | |
|------------|-----------|---------------|
| Desnoyers, | McKernan, | Utley, |
| Divine, | Miles, | P. D. Warner, |
| Duncombe, | Morton, | Willard, |
| Ferris, | Murray, | Winans, |
| Giddings, | Musgrave, | Winsor, |
| Harris, | Ninde, | Williams, |
| Hazen, | Norris, | President, 48 |

Mr. Pringle offered the following amendment, to stand as a new section:

Sec. —. Aliens, resident or non-resident, shall be entitled, equally with citizens, to be officers or stockholders in railroad, mining and manufacturing corporations.

Mr. Pringle demanded the yeas and nays;

The demand was supported, and the amendment was not adopted, the following being the vote thereon:

YEAS.

| | | |
|------------|-------------|------------|
| Mr. Bills, | Mr. Duncan, | Mr. Miles, |
| Blackman, | Elliott, | Murray, |
| Conger, | Hazen, | Pringle, |
| Corbin, | Huston, | Rafter, |
| Crocker, | McConnell, | Willard, |
| Divine, | McKernan, | Winans, 18 |

NAYS.

| | | |
|--------------|-------------|------------------|
| Mr. Aldrich, | Mr. Howard, | Mr. T. G. Smith, |
| Alexander, | Kenney, | Stockwell, |
| Andrus, | Lamb, | Stoughton, |
| Barber, | Leach, | Sutherland, |
| Birney, | Longyear, | Thompson, |
| Bradley, | Lovell, | Turner, |
| Brown, | Luce, | Tyler, |
| Case, | McClelland, | Utley, |
| Chapman, | Miller, | Van Valkenburg, |
| Coolidge, | Mussey, | Walker, |
| Desnoyers, | Musgrave, | P. D. Warner, |
| Duncombe, | Ninde, | M. C. Watkins, |
| Estee, | Norris, | White, |
| Farmer, | Purcell, | Winsor, |
| Ferris, | Richmond, | Withey, |
| Henderson, | Root, | Williams, |
| Holmes, | Sawyer, | Wright, |
| Holt, | Shearer, | Yeomans, 54 |

Mr. Willard moved to reconsider the vote by which the Convention refused to strike out the words "and religious societies," in the third line of section one;

Which motion did not prevail.

The article was then referred to the committee on arrangement and phraseology, for correction and engrossment, and ordered to a third reading.

On motion of Mr. Luce,

The article entitled "Legislative Department" was taken from the table.

On motion of Mr. Luce,

The article was placed on the order of third reading of articles.

On motion of Mr. Farmer,

The Convention took a recess until 2½ o'clock P. M.

AFTERNOON SESSION.

2½ o'clock P. M.

The Convention was called to order by the President.

Roll called: a quorum present.

Mr. Pringle asked and obtained leave of absence for Mr. Lawrence; for an indefinite time, on account of sickness.

On motion of Mr. Luce,

The Convention took up the order of third reading of articles.

The article entitled "Miscellaneous Provisions," was read a third time.

Mr. Pringle, by unanimous consent, moved that the article be recommitted to the standing committee, with instructions to strike out, in the eighth line of Sec. 4, the words, "the necessity for such taking and."

Mr. Sawyer moved to amend the instructions by further instructing the committee to strike out of the fifth line the words, "except a public highway;"

Which motion did not prevail.

Mr. Stoughton moved to amend the instructions by instruct-

ing the committee to insert after the word "roads," the words, "without the consent of the owner," and by striking out all after the word "law," in the fourth line.

Mr. Mussey called for a division of the question.

The question being on the first clause of the amendment to the instructions,

It was agreed to.

The question being on the last clause of the instructions,

It was not agreed to.

By unanimous consent, the article was amended by inserting after the word "roads," the words, "without the consent of the owner," and by striking out the words "and the necessity for such taking."

The article was then passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

YEAS.

| | | |
|--------------|----------------|-----------------|
| Mr. Aldrich, | Mr. Henderson, | Mr. Richmond, |
| Alexander, | Holmes, | Root, |
| Andrus, | Holt, | Shearer, |
| Barber, | Howard, | Sheldon, |
| Birney, | Huston, | T. G. Smith, |
| Blackman, | Kennedy, | Stockwell, |
| Bradley, | Lamb, | Stoughton, |
| Brown, | Leach, | Sutherland, |
| Chapin, | Longyear, | Turner, |
| Chapman, | Lovell, | Tyler, |
| Coolidge, | Luce, | Uiley, |
| Conger, | McClelland, | Van Valkenburg, |
| Crocker, | McConnell, | Walker, |
| Daniells, | McKernan, | P. D. Warner, |
| Desnoyers, | Miles, | M. C. Watkins, |
| Divine, | Miller, | F. C. Watkins, |
| Duncan, | Morton, | White, |
| Duncombe, | Mussey, | Willard, |
| Elliott, | Musgrave, | Winans, |
| Estee, | Ninde, | Winsor, |
| Farmer, | Norris, | Withey, |
| Ferris, | Pringle, | Williams, |
| Germain, | Purcell, | Yeomans, |
| Harris, | Rafter, | President, |
| Hazen, | | |

NAYS.

Mr. Bills, Mr. Corbin, Mr. Sawyer, 3

The article was referred to the committee on arrangement and phraseology, for numerical arrangement.

The article entitled "Amendment and Revision of the Constitution," was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

YEAS.

| | | |
|--------------|--------------|-----------------|
| Mr. Aldrich, | Mr. Germain, | Mr. Rafter, |
| Alexander, | Giddings, | Root, |
| Andrus, | Harris, | Sawyer, |
| Barber, | Hazen, | Sheldon, |
| Bills, | Henderson, | T. G. Smith, |
| Blackman, | Holmes, | Stockwell, |
| Bradley, | Holt, | Stoughton, |
| Brown, | Howard, | Sutherland, |
| Case, | Huston, | Thompson, |
| Chapin, | Kenney, | Turner, |
| Chapman, | Lamb, | Tyler, |
| Coolidge, | Leach, | Uiley, |
| Conger, | Longyear, | Van Valkenburg, |
| Corbin, | Lovell, | Walker, |
| Crocker, | Luce, | P. D. Warner, |
| Daniells, | McConnell, | M. C. Watkins, |
| Desnoyers, | McKernan, | White, |
| Divine, | Miller, | Willard, |
| Duncan, | Morton, | Winans, |
| Duncombe, | Murray, | Winsor, |
| Elliott, | Musgrave, | Withey, |
| Estee, | Ninde, | Williams, |
| Farmer, | Pringle, | Yeomans, |
| Ferris, | Purcell, | |

71

NAYS.

Mr. McClelland, Mr. Richmond, Mr. Shearer,
Norris,

The article was referred to the committee on arrangement and phraseology, for numerical arrangement.

The article entitled "Legislative Department," was read a third time, and not passed, a majority of all the members elect not voting therefor, by yeas and nays, as follows:

YEAS.

| | | |
|--------------|--------------|-----------------|
| Mr. Aldrich, | Mr. Kenney, | Mr. Sutherland, |
| Andrus, | Leach, | Thompson, |
| Bills, | Lovell, | Tyler, |
| Blackman, | McConnell, | Van Valkenburg, |
| Case, | Miller, | M. C. Watkins, |
| Chapin, | Musgrave, | White, |
| Divine, | Root, | Willard, |
| Harris, | T. G. Smith, | Williams, |
| Howard, | Stoughton, | Wright, |
| Huston, | | |

28

NAYS.

| | | |
|----------------|--------------|----------------|
| Mr. Alexander, | Mr. Germain, | Mr. Purcell, |
| Barber, | Giddings, | Rafter, |
| Birney, | Hazen, | Richmond, |
| Bradley, | Henderson, | Sawyer, |
| Brown, | Holmes, | Shearer, |
| Coolidge, | Holt, | Sheldon, |
| Conger, | Lamb, | Stockwell, |
| Corbin, | Longyear, | Turner, |
| Crocker, | Luce, | Utley, |
| Daniells, | McClelland, | Walker, |
| Desnoyers, | McKernan, | P. D. Warner, |
| Duncan, | Miles, | F. C. Watkins, |
| Duncombe, | Murray, | Winans, |
| Elliott, | Mussey, | Winsor, |
| Estee, | Ninde, | Withey, |
| Farmer, | Norris, | Yeomans, |
| Ferris, | Pringle, | President, |

51

On motion of Mr. Conger,

The Convention adjourned.

SIXTY-EIGHTH DAY.

Lansing, Thursday, August 15, 1867.

The Convention was called to order by the President at 9 o'clock A. M.

Prayer by Rev. Dr. Hayes.

Roll called: a quorum present.

Mr. Howard asked and obtained leave of absence, after to-morrow, for an indefinite time.

Mr. Daniells asked and obtained leave of absence, during this forenoon.

REPORTS OF STANDING COMMITTEES.

By the committee on arrangement and phraseology:

The committee on arrangement and phraseology, to whom was referred Article —, entitled "Corporations other than Municipal;" also, Article —, entitled "Salaries,"

Respectfully report that they have had the same under consideration, and have directed me to report the same back to the Convention with the accompanying amendments, recommending that the amendments be concurred in, and ask to be discharged from the further consideration of the subject.

T. NINDE, *Chairman.*

Report accepted and committee discharged.

The articles were laid on the table and ordered printed in the journal, and are as follows:

ARTICLE —.

SALARIES.

SECTION 1. The Governor shall receive an annual salary of three thousand dollars. The Secretary of State shall receive an annual salary of two thousand dollars. The State Treasurer shall receive an annual salary of twenty-five hundred dollars. The Commissioner of the State Land Office shall receive an annual salary of two thousand dollars. The Superintendent of Public Instruction shall receive an annual salary of [twenty-five hundred] dollars. The Auditor General shall receive an annual salary of twenty-five hundred dollars. The Attorney General shall receive an annual salary of two thousand dollars. The Judges of the Supreme Court shall [each] receive an annual salary of three thousand dollars. The judges of the circuit court shall [each] receive an annual salary of *three thousand* dollars. [The above named officers] *shall not be entitled to any fees or perquisites for the performance of the duties of their respective offices, but all perquisites received shall be paid into the*

State treasury. It shall not be competent for the Legislature to increase the salaries herein provided.

Sec. 2. The Governor, Secretary of State, State Treasurer, Commissioner of the State Land Office and Auditor General shall superintend in person the duties of their respective offices.

ARTICLE —.

CORPORATIONS OTHER THAN MUNICIPAL.

[SECTION 1. Organizations for the construction of railroads, for the purpose of banking, insurance, mining, telegraphing, transacting business as common carriers, and religious societies, shall be incorporated under general laws. No special charter shall be granted, nor shall the franchises given thereby be enlarged without the assent of two-thirds of the members elect to each House. Every act passed pursuant to this section, may be amended, altered or repealed by a majority vote of the members elect to each House.]

Sec. 2. The stockholders of every corporation or association for banking purposes, issuing bank notes or paper credits, to circulate as money, shall be individually liable for all debts contracted during the term of their being stockholders of such corporation or association, equally and ratably to the extent of their respective shares of stock in any such corporation or association.

Sec. 3. The Legislature shall provide for the registry of all bills or notes issued or put in circulation as money, by any bank organized under the laws of this State, and shall require security to the full amount of notes and bills so registered, in interest-bearing stocks of this State, or the United States, which shall be deposited with the State Treasurer, for the redemption of such bills or notes in lawful money of the United States.

Sec. 4. In case of the insolvency of any bank or banking association, the bill-holders thereof shall be entitled to preference in payment, over all other creditors of such bank or association.

Sec. 5. The Legislature shall pass no law authorizing or sanctioning the suspension of payments by any corporation.

[Sec. 6. The Legislature shall pass no law altering or amending any act of incorporation granted prior to the first day of January, eighteen hundred fifty-one, without the assent of two-thirds of the members elected to each House. No such act shall be renewed or extended.]

Sec. 7. No corporation shall hold any real estate for a longer period than ten years *from the time of acquiring the same*, [unless] such real estate shall be actually occupied by such corporation in the exercise of its franchises. *No real estate shall hereafter be withheld from market for a longer time than ten years, for the use or benefit of any corporation.*

[Sec. 8. The stockholders in any corporation shall be individually liable for all labor done in behalf of such corporation during the time of their being such stockholders, equally and ratably to the extent of their respective shares in the stock of such corporation.]

By the committee on arrangement and phraseology:

The committee on arrangement and phraseology, to whom it was referred to prepare a preamble to the Constitution,

Respectfully report that they have had the same under consideration, and have directed me to report the accompanying preamble, and ask to be discharged from the further consideration of the subject.

T. NINDE, *Chairman.*

Report accepted and committee discharged.

The preamble is as follows:

"We, the People of the State of Michigan, grateful to Almighty God for civil and religious liberty, do ordain this Constitution."

Mr. Blackman offered the following substitute for the preamble:

"We, the People of the State of Michigan, grateful to Almighty God, the Sovereign Ruler of nations, for civil and religious liberty, and acknowledging our dependence upon him for the continuance thereof to us and our posterity, do ordain and establish the following Constitution."

Mr. Van Valkenburgh moved to amend the amendment so that it shall read as follows:

"We, the people of the State of Michigan, humbly acknowledging Almighty God as the source of all authority and power in civil government, the Lord Jesus Christ as the Ruler among the nations, and His revealed will as of supreme authority, in order to constitute a Christian government, and in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the inalienable rights and blessings of life, liberty and the pursuit of happiness to ourselves, our posterity, and all the inhabitants of the land,—do ordain and establish this Constitution for the State of Michigan."

On motion of Mr. Willard,

The preamble, the substitute and the amendment were laid on the table.

By the committee on schedule:

The committee on schedule, to whom was referred the schedule to the present Constitution,

Respectfully report that they have had the same under consideration, and have directed me to report the accompanying, entitled "Schedule," recommending that the same do pass, and ask to be discharged from the further consideration of the subject.

JOSIAH TURNER, *Chairman.*

Report accepted and committee discharged.

The schedule was read a first and second time by its title, ordered printed, placed on the general order, and referred to the committee of the whole.

MOTIONS AND RESOLUTIONS.

Mr. Mussey moved to reconsider the vote taken yesterday, by which the article entitled "Legislative Department" was not passed.

Mr. Farmer demanded the yeas and nays.

The motion to reconsider was withdrawn.

Mr. Lamb offered the following resolution:

Resolved, That the committee on the legislative department be instructed to report to this Convention an article entitled Legislative Department, of the substance matter of that which on yesterday failed on its passage, with the following exceptions, to-wit: That they report in proper shape for separate submission to the people—

1st. The question of annual or biennial sessions of the Legislature, being the substance of section 8.

2d. The question of aid to railroads, by townships, being the substance of sections 27 and 28.

3d. The question of prohibition or license for the sale of spirituous liquors, being the substance of a part of section 32.

Mr. Norris moved to amend the resolution by adding thereto the following:

4th. Upon the question of allowing every male citizen of the United States of African descent, the privilege of suffrage.

Mr. Norris demanded the yeas and nays;

The demand was supported, and the amendment was not adopted, the following being the vote thereon:

YEAS.

| | | |
|----------------|-------------|--------------|
| Mr. Alexander, | Mr. Hixson, | Mr. Purcell, |
| Andrus, | McClelland, | Rafter, |
| Case, | McKernan, | Richmond, |
| Chapman, | Morton, | Shearer, |
| Crocker, | Ninde, | Sutherland, |
| Desnoyers, | Norris, | Winans, |
| Giddings, | | |

19

NAYS.

| | | |
|--------------|----------------|-----------------|
| Mr. Aldrich, | Mr. Henderson, | Mr. Sheldon, |
| Barber, | Holmes, | T. G. Smith, |
| Bills, | Holt, | Stockwell, |
| Birney, | Howard, | Stoughton, |
| Blackman, | Huston, | Thompson, |
| Bradley, | Kenney, | Turner, |
| Brown, | Lamb, | Tyler, |
| Chapin, | Leach, | Utley, |
| Coolidge, | Longyear, | Van Valkenburg, |
| Conger, | Lovell, | P. D. Warner, |
| Daniells, | Luce, | M. C. Wakins, |
| Divine, | McConnell, | F. C. Watkins, |

| | | |
|-----------|-----------|------------|
| Duncan, | Miles, | White, |
| Duncombe, | Miller, | Willard, |
| Elliott, | Murray, | Winsor, |
| Estee, | Mussey, | Withey, |
| Farmer, | Musgrave, | Williams, |
| Ferris, | Pratt, | Wright, |
| Germain, | Pringle, | Yeomans, |
| Harris, | Root, | President, |
| Hazen, | Sawyer, | |

62

Mr. Henderson moved to amend the resolution of instructions by striking out all that refers to the subject of municipalities voting aid to railroads.

Mr. Lamb moved to lay his resolution on the table;

Which motion did not prevail.

Pending the debate, Mr. Bradley having occupied the floor for the time allotted by the rule,

Mr. Conger moved that Mr. Bradley be allowed to proceed;

Which motion prevailed.

Mr. Bradley offered the following substitute for the pending resolution:

Resolved, That the following propositions be submitted to the people separately:

1. Shall the Legislature hold annual or biennial sessions?

2. The Legislature shall restrict, but shall never grant a license for the sale of ardent spirits or intoxicating liquors.

Pending the debate, Mr. Howard having occupied the floor for the time allowed by the rule,

Mr. Ferris moved that Mr. Howard be allowed to proceed;

Which motion prevailed.

Mr. Howard offered the following amendment to the substitute of Mr. Bradley:

“The sale of spirituous or intoxicating liquors to minors, persons under guardianship and common drunkards, shall be prohibited under appropriate penalties, by fine or imprisonment, or both, as shall be provided by law. And this provision shall be inserted in the body of the Constitution.”

Mr. Lamb, by consent, withdrew the last two clauses of his resolution.

The amendment of Mr. Henderson was withdrawn.

Pending the debate, Mr. Huston having occupied the floor for the time allotted by the rule,

Mr. Lamb moved that Mr. Huston have leave to proceed;

Which motion prevailed.

On motion of Mr. Bills,

The Convention took a recess until 2½ o'clock.

AFTERNOON SESSION.

2½ o'clock P. M.

The Convention was called to order by the President.

Roll called: a quorum present.

The President, by unanimous consent, submitted the following communication:

FAIRBURY, ILLINOIS, Aug. 12th, 1867.

To the President of the Michigan Constitutional Convention:

SIR—At a great union temperance meeting, held in this town last Sabbath evening, the following resolution was unanimously adopted:

“Resolved, That the great union temperance meeting, held in Fairbury, Livingston county, Illinois, Aug. 10, 1867, sends Christian greeting to the Michigan State Constitutional Convention, for having incorporated a clause in their new Constitution, prohibiting all traffic in intoxicating liquors in that great State.”

We mean victory.

O. S. EASTMAN, *Secretary*.

The communication was laid on the table.

The Convention resumed the consideration of pending resolution and amendments.

The question being on the amendment of Mr. Howard to the substitute of Mr. Bradley for the resolution of Mr. Lamb;

It was withdrawn.

The question being on the substitute of Mr. Bradley for the resolution of Mr. Lamb, which substitute is as follows:

Resolved, That the following propositions be submitted to the people separately:

First. Shall the Legislature hold annual or biennial sessions;

Second. The Legislature shall restrict, but shall never grant a license for the sale of ardent spirits or intoxicating liquors;

Mr. Conger demanded the yeas and nays;

Mr. Pratt moved to amend the second clause of the substitute, by striking out the words, " shall restrict, but;,"

Which was accepted.

The demand for the yeas and nays was sustained, and the substitute was not adopted, the following being the vote thereon:

YEAS.

| | | |
|--------------|------------|----------------|
| Mr. Aldrich, | Mr. Hazen, | Mr. Sawyer, |
| Alexander, | Henderson, | Sheldon, |
| Barber, | Holt, | Stoughton, |
| Birney, | Lamb, | Turner, |
| Bradley, | Leach, | Tyler, |
| Brown, | Longyear, | Utley, |
| Chapin, | Lovell, | Walker, |
| Coolidge, | Luce, | F. C. Watkins, |
| Conger, | McKernan, | Winsor, |
| Duncombe, | Miles, | Withey, |
| Estee, | Murray, | Williams, |
| Farmer, | Pratt, | Woodhouse, |
| Ferris, | Pringle, | President, |
| Giddings, | | |

40

NAYS.

| | | |
|-------------|-------------|----------------|
| Mr. Andrus, | Mr. Howard, | Mr. Root, |
| Bills, | Huston, | Shearer, |
| Blackman, | Kenney, | T. G. Smith, |
| Case, | McClelland, | Stockwell, |
| Corbin, | McConnell, | Sutherland, |
| Crocker, | Miller, | Thompson, |
| Desnoyers, | Morton, | VanValkenburg, |
| Divine, | Mussey, | P. D. Warner, |
| Duncan, | Musgrave, | M. C. Watkins, |
| Elliot, | Ninde, | White, |
| Germain, | Norris, | Willard, |
| Harris, | Purcell, | Winans, |
| Hixson, | Rafter, | Wright, |
| Holmes, | Richmond, | Yeomans, |

42

Mr. Pratt moved that Mr. Rafter be excused from voting;
Which motion did not prevail.

Mr. Rafter then voted as recorded.

Mr. McConnell moved that Mr. Morton be excused from voting;

Which motion did not prevail.

Mr. Morton then voted as recorded.

Mr. Holmes moved that Mr. Bradley be excused from voting;
Which motion did not prevail.

Mr. Bradley then voted as recorded.

Mr. Lamb renewed the clauses numbered 2 and 3, which had been withdrawn.

After some debate, the second clause, relating to aid to railroads, was withdrawn.

Mr. Williams moved to strike out the word "or," after the word "prohibition," in the last clause of the pending resolution;
Which motion prevailed.

The question recurring on Mr. Lamb's resolution, as amended, which is as follows:

Resolved, That the committee on the legislative department be instructed to report to this Convention an article entitled "Legislative Department," of the substance matter of that which on yesterday failed on its passage, with the following exceptions, to wit: That they report in proper shape for separate submission to the people,

1. The question of annual or biennial sessions of the Legislature, being the substance of section 8;

2. The question of prohibition of license for the sale of spirituous liquors; being the substance of a part of section 32;

The resolution was not adopted, the following being the vote thereon:

YEAS.

Mr. Aldrich
Alexander,
Barber,
Birney,
Brown,

Mr. Hazen,
Henderson,
Holt,
Lamb,
Leach,

Mr. Sawyer,
Sheldon,
Stoughton,
Turner,
Tyler,

| | | |
|-----------|-----------|----------------|
| Chapin, | Longyear, | Utley, |
| Coolidge, | Lovell, | Walker, |
| Conger, | Luce, | F. C. Watkins, |
| Duncombe, | McKernan, | Winsor, |
| Estee, | Miles, | Withey, |
| Farmer, | Murray, | Williams, |
| Ferris, | Pratt, | Woodhouse, |
| Giddings, | Pringle, | 38 |

NAYS.

| | | |
|-------------|-------------|-----------------|
| Mr. Andrus, | Mr. Howard, | Mr. Shearer, |
| Bills, | Huston, | T. G. Smith, |
| Blackman, | Kenney, | Stockwell, |
| Case, | McClelland, | Thompson, |
| Corbin, | McConnell, | Van Valkenburg, |
| Crocker, | Miller, | P. D. Warner, |
| Desnoyers, | Mussey, | M. C. Watkins, |
| Divine, | Musgrave, | White, |
| Duncan, | Ninde, | Willard, |
| Elliott, | Norris, | Winans, |
| Germain, | Purcell, | Wright, |
| Harris, | Rafter, | Yeomans, |
| Hixson, | Root, | President, |
| Holmes, | | 43 |

Mr. Blackman moved that Mr. Wright be excused from voting;

Which motion did not prevail.

Mr. Wright then voted as recorded.

Mr. Birney offered the following resolution:

Resolved, That at the election, and at the same time when the votes of the electors shall be taken for the adoption or rejection of this Constitution, an additional section to article numbered —, in the words following:

“The legislature shall not pass any act authorizing the grant of license for the sale of ardent spirits or other intoxicating drinks,”

Shall be separately submitted to the electors of this State for their adoption or rejection, in form following, to wit: A separate ballot may be given by every person having the right to vote for the revised Constitution, to be deposited in a separate box. Upon the ballots given for the adoption of the said separate

section, shall be written or printed, or partly written and partly printed, the words, "License for the sale of liquors—No;" and upon the ballots given against the adoption of the said separate section, in like manner, the words, "License for sale of liquors—Yes." And on such ballots shall be written or printed, or partly written and partly printed, the words, "Constitutional License," in such manner that such words shall appear on the outside of such ballot when folded. If at said election a majority of the votes for and against the said separate section shall contain the words, "License for the sale of liquors—No," then there shall be inserted in the said article numbered —, the said additional section, as aforesaid separately submitted, to be numbered as section —, in said article.

Mr. Sutherland moved to amend the resolution by striking out the words, "the Legislature shall not pass any act authorizing the grant of license for the sale of ardent spirits or other intoxicating drinks," and inserting in lieu thereof the following:

"The Legislature shall prohibit by law all sale or disposition of ardent spirits or intoxicating liquors for use as a beverage, and may enforce such prohibition by prescribing suitable punishments, and may to the same end grant power to search, seize and destroy or confiscate such liquors."

Mr. Sutherland demanded the yeas and nays;

Mr. Lovell demanded the previous question;

Which was not sustained.

The demand for the yeas and nays was supported.

Mr. Sutherland called for a division of the question, dividing the amendment after the word "punishments;"

The first clause of the amendment was adopted, the following being the vote thereon:

YEAS.

Mr. Aldrich,
Alexander,
Andrus,
Barber,
Birney,
Blackman,

Mr. Hazen,
Henderson,
Holmes,
Holt,
Howard,
Huston,

Mr. Stoughton,
Sutherland,
Thompson,
Turner,
Tyler,
Utley,

Case,
Chapin,
Chapman,
Coolidge,
Conger,
Daniells,
Duncan,
Duncombe,
Elliott,
Estee,
Farmer,
Ferris,
Harris,

Longyear,
Luce,
Miller,
Murray,
Mussey,
Musgrave,
Norris,
Pratt,
Root,
Sawyer,
Sheldon,
Stockwell,

Van Valkenburg,
Walker,
P. D. Warner,
M. C. Watkins,
White,
Winsor,
Withey,
Williams,
Winans,
Woodhouse,
Wright,
Yeomans,

55

NAYS.

Mr. Bills,
Bradley,
Brown,
Crocker,
Desnoyers,
Divine,
Germain,
Hixson,
Kenney,

Mr. Lamb,
Leach,
Lovell,
McClelland,
McKernan,
Morton,
Ninde,
Pringle,

Mr. Purcell,
Rafter,
Richmond,
Shearer,
T. G. Smith,
F. C. Watkins,
Willard,
Winans,

25

The second clause of the amendment was not adopted, the following being the vote thereon:

YEAS.

Mr. Aldrich,
Alexander,
Barber,
Blackman,
Bradley,
Brown,
Case,
Coolidge,
Conger,
Daniells,
Elliott,
Estee,

Mr. Farmer,
Ferris,
Giddings,
Henderson,
Lamb,
Longyear,
Miller,
Mussey,
Musgrave,
Norris,
Pratt,
Sawyer,

Mr. Sheldon,
Sutherland,
Thompson,
Turner,
Utiley,
Walker,
White,
Winsor,
Withey,
Williams,
Woodhouse,

35

NAYS.

Mr. Andrus,
Bills,
Birney,
Chapin,

Mr. Holmes,
Howard,
Huston,
Kenney,

Mr. Root,
Shearer,
T. G. Smith,
Stockwell,

Corbin,
Crocker,
Desnoyers,
Divine,
Duncan,
Duncombe,
Germain,
Harris,
Hixson,

Leach,
Luce,
McClelland,
McConnell,
Murray,
Ninde,
Pringle,
Purcell,
Richmond,

Stoughton,
Tyler,
P. D. Warner,
M. C. Watkins,
F. C. Watkins,
Willard,
Winans,
Yeomans,
President, 39

On motion of Mr. Morton,
The Convention adjourned.

SIXTY-NINTH DAY.

Lansing, Friday, August 16, 1867.

The Convention was called to order by the President at 9 o'clock A. M.

Prayer by Rev. Mr. Potter.

Roll called: a quorum present.

Mr. Richmond asked and obtained leave of absence for Mr. Wright, for to-day, on account of sickness.

Mr. Norris asked and obtained leave of absence, after to-day, for an indefinite time.

Mr. Divine asked and obtained leave of absence, after to-day, for an indefinite time.

Mr. Conger asked and obtained leave of absence, after to-day, until Monday next.

Mr. Stoughton asked and obtained leave of absence, after to-day, until Tuesday morning next.

PRESENTATION OF PETITIONS.

By Mr. Miller: petition of Isaac Delano, asking that the prohibitory clause may be retained in the present Constitution.

MOTIONS AND RESOLUTIONS.

Mr. Birney moved to take from the table the preamble reported by the standing committee yesterday, and the substitute and amendments thereto;

Which motion did not prevail.

Mr. Mussey moved to reconsider the vote taken on the 14th inst., by which the article entitled "Legislative Department," was not passed.

Mr. Farmer demanded the yeas and nays;

The demand was supported, and the motion prevailed, the following being the vote thereon:

YEAS.

| | | |
|----------------|-------------|-----------------|
| Mr. Alexander, | Mr. Howard, | Mr. Sawyer, |
| Andrus, | Hull, | Shearer, |
| Bills, | Huston, | Sheldon, |
| Birney, | Kenney, | T. G. Smith, |
| Blackman, | Leach, | Stockwell, |
| Bradley, | Longyear, | Stoughton, |
| Case, | Lovell, | Sutherland, |
| Chapin, | Luce, | Thompson |
| Chapman, | McClelland, | Turner, |
| Conger, | McConnell, | Tyler, |
| Corbin, | McKernan, | Utley, |
| Crocker, | Miller, | Van Valkenburg, |
| Desnoyers, | Morton, | Walker, |
| Divine, | Murray, | P. D. Warner, |
| Duncan, | Mussey, | F. C. Watkins, |
| Duncombe, | Musgrave, | M. C. Watkins, |
| Elliott, | Ninde, | White, |
| Estee, | Norris, | Willard, |
| Ferris, | Pratt, | Winans, |
| Germain, | Pringle, | Withey, |
| Harris, | Purcell, | Williams, |
| Hazen, | Rafter, | Woodhouse, |
| Henderson, | Richmond, | Yeomans, |
| Hixson, | Root, | President, |
| Holmes, | | |

73

NAYS.

| | | |
|--------------|---------------|-----------|
| Mr. Aldrich, | Mr. Daniells, | Mr. Lamb, |
| Barber, | Farmer, | Miles, |
| Brown, | Giddings, | Winsor, |
| Coolidge, | Holt, | |

11

Mr. Conger moved to lay the article on the table.

Mr. Willard demanded the yeas and nays;

The demand was supported, and the motion did not prevail, the following being the vote thereon:

YEAS.

Mr. Aldrich,
Alexander,
Barber,
Blackman,
Bradley,
Brown,
Chapin,
Coolidge,
Conger,
Daniells,
Duncombe,
Elliott,
Estee,
Farmer,

Mr. Ferris,
Giddings,
Hazen,
Holmes,
Holt,
Hull,
Lamb,
Longyear,
Lovell,
McKernan,
Miles,
Miller,
Murray,

Mr. Norris,
Pringle,
Sawyer,
Shearer,
Stoughton,
Turner,
Tyler,
Utiley,
F. C. Watkins,
Winsor,
Withey,
Woodhouse,
President,

40

NAYS.

Mr. Andrus,
Bills,
Birney,
Case,
Chapman,
Corbin,
Crocker,
Desnoyers,
Dine,
Duncan,
Germain,
Harris,
Henderson,
Hixson,
Howard,

Mr. Huston,
Kenney,
Leach,
Luce,
McClelland,
McConnell,
Morton,
Mussey,
Musgrave,
Ninde,
Pratt,
Purcell,
Rafter,
Richmond,
Root,

Mr. Sheldon,
T. G. Smith,
Stockwell,
Sutherland,
Thompson,
Van Valkenburg,
Walker,
P. D. Warner,
M. C. Watkins,
White,
Willard,
Winans,
Williams,
Yeomans,

44

Mr. McClelland offered the following resolution:

Resolved, That the article on the "Legislative Department" be recommitted to the committee on that subject, with instructions to report it back with that part relating to the sessions of the Legislature in such form that it may be separately submitted whether the sessions shall be annual or biennial; and also that part in regard to license and intoxicating liquors in separate form, so that the alternative propositions before the Convention on the 7th of August inst., may be presented to the people.

Mr. Mussey offered the following substitute:

Resolved, That the article be recommitted to the standing committee, with instructions to amend sections 8 and 9 so that they shall read as follows:

Sec. 8. The Legislature shall meet at the seat of government on the first Wednesday of January, in the year one thousand eight hundred and sixty-nine, and on the first Wednesday of January in every second year thereafter, and at no other time or place, unless as provided in this Constitution. The time of meeting shall be at ten o'clock in the forenoon, and the time of final adjournment at twelve o'clock noon.

Sec. 9. Each House shall choose its own officers, except as otherwise provided in this Constitution. It shall be the duty of the Secretary of State to attend to the opening session of the House of Representatives with a list of the names of the members elect, and he may administer the oath of office to the members. Each House shall determine the rules of its proceedings, and judge of the qualifications, elections and returns of its members, and may, with the concurrence of two-thirds of all the members elected, expel a member. The reasons for such expulsion shall be entered upon the journal with the names of the members voting on the question. No member shall be expelled a second time for the same cause; nor for any cause known to his constituents antecedent to his election.

Mr. Bradley moved to amend the original resolution by instructing the committee to provide that when this Constitution shall be submitted to the electors of the State for adoption or rejection, an additional section, in the following words, shall be separately submitted:

“The Legislature shall not pass any act authorizing the grant of license for the sale of ardent spirits or intoxicating liquors.”

Mr. Birney moved to amend the substitute, by instructing the committee also, to report section 32, omitting the last clause, but providing by resolution for the separate submission of that clause, with an alternate proposition.

The amendment offered by Mr. Bradley to the original resolution was withdrawn.

Mr. Williams demanded the previous question.

The demand was sustained, and the main question ordered.

The question being on the amendment of Mr. Birney, to the substitute,

Mr. McClelland demanded the yeas and nays;

The demand was supported, and the amendment was not adopted, the following being the vote thereon:

YEAS.

Mr. Birney,
Crocker,
Desnoyers,
Giddings,
Hixson,

Mr. Lamb,
Morton,
Ninde,
Norris,

Mr. Pratt,
Rafter,
Richmond,
Winans,

13

NAYS.

Mr. Aldrich,
Alexander,
Andrus,
Barber,
Bills,
Blackman,
Bradley,
Brown,
Case,
Chapin,
Chapman,
Coolidge,
Conger,
Daniells,
Divine,
Duncan,
Duncombe,
Elliott,
Estee,
Farmer,
Ferris,
Germain,
Harris,
Hazen,

Mr. Henderson,
Holmes,
Holt,
Howard,
Hull,
Huston,
Kenney,
Leach,
Longyear,
Lovell,
Luce,
McClelland,
McConnell,
McKernan,
Miles,
Miller,
Murray,
Mussey,
Musgrave,
Pringle,
Purcell,
Root,
Sawyer,

Mr. Shearer,
Sheldon,
T. G. Smith,
Stockwell,
Stoughton,
Sutherland,
Thompson,
Turner,
Tyler,
Utley,
Van Valkenburg,
Walker,
P. D. Warner,
F. C. Watkins,
M. C. Watkins,
White,
Willard,
Winsor,
Withey,
Williams,
Woodhouse,
Yeomans,
President,

70

The question being on the adoption of the substitute,

Mr. Andrus demanded the yeas and nays;

The demand was supported, and the substitute was not adopted, the following being the vote thereon:

YEAS.

| | | |
|-------------|-------------|-----------------|
| Mr. Andrus, | Mr. Holmes, | Mr. Shearer, |
| Bills, | Howard, | Sutherland, |
| Blackman, | Huston, | Thompson, |
| Bradley, | Kenney, | Tyler, |
| Brown, | Luce, | Van Valkenburg, |
| Burtch, | McConnell, | Walker, |
| Duncan, | Miller, | P. D. Warner, |
| Elliott, | Morton, | M. C. Watkins, |
| Germain, | Mussey, | White, |
| Harris, | Pratt, | Willard, |
| Henderson, | Root, | Winans, |
| Hixson, | Sawyer, | Yeomans, 36 |

NAYS.

| | | |
|--------------|-------------|--------------|
| Mr. Aldrich, | Mr. Ferris, | Mr. Pringle, |
| Alexander, | Giddings, | Purcell, |
| Barber, | Hazen, | Rafter, |
| Birney, | Holt, | Richmond, |
| Case, | Hull, | Shearer, |
| Chapin, | Lamb, | T. G. Smith, |
| Chapman, | Leach, | Stoughton, |
| Coolidge, | Longyear, | Sutherland, |
| Conger, | Lovell, | Turner, |
| Corbin, | McClelland, | Utley, |
| Crocker, | McKernan, | Winsor, |
| Daniells, | Miles, | Withey, |
| Desnoyers, | Murray, | Williams, |
| Duncombe, | Musgrave, | Woodhouse, |
| Estee, | Ninde, | President |
| Farmer, | Norris, | 47 |

Mr. Conger moved that Mr. Case be excused from voting;
Which motion did not prevail.

Mr. Case then voted as recorded.

Mr. Rafter moved that Mr. Morton be excused from voting;
Which motion did not prevail.

Mr. Morton then voted as recorded.

The question recurring on the original resolution,

Mr. Giddings demanded the yeas and nays;

The demand was supported, and the resolution was adopted,
the following being the vote thereon:

YEAS.

Mr. Aldrich,
Birney,
Chapin,
Coolidge,
Conger,
Corbin,
Crocker,
Daniells,
Desnoyers,
Estee,
Farmer,
Ferris,
Giddings,
Hazen,
Henderson,
Hixson,

Mr. Holt,
Hull,
Leach,
Longyear,
Lovell,
Luce,
McClelland,
McKernan,
Miles,
Morton,
Murray,
Ninde,
Norris,
Pringle,
Purcell,

Mr. Rafter,
Richmond,
Shearer,
Stoughton,
Sutherland,
Turner,
Utley,
Walker,
F. C. Watkins,
Winans,
Winsor,
Withey,
Williams,
Woodhouse,
President,

46

NAYS.

Mr. Alexander,
Andrus,
Barber,
Bills,
Blackman,
Bradley,
Brown,
Case,
Chapman,
Divine,
Duncan,
Duncombe,

Mr. Elliott,
Germain,
Harris,
Holmes,
Howard,
Kenney,
Lamb,
McConnell,
Miller,
Mussey,
Musgrave,
Pratt,

Mr. Root,
Sheldon,
T. G. Smith,
Stockwell,
Thompson,
Tyler,
Van Valkenburg,
P. D. Warner
M. C. Watkins,
White,
Willard,
Yeomans,

36

Mr. Withey moved to reconsider the vote by which the resolution was adopted.

Mr. Withey moved to lay the motion to reconsider on the table.

Mr. Willard demanded the yeas and nays;

The demand was supported, and the motion to lay the motion to reconsider on the table was lost, the following being the vote thereon:

YEAS.

Mr. Aldrich,
Alexander,
Birney,
Coolidge,

Mr. Holt,
Hull,
Leach,
Longyear,

Mr. Purcell,
Rafter,
Richmond,
Shearer,

Conger,
Crocker,
Daniells,
Estee,
Farmer,
Ferris,
Giddings,

Lovell,
McClelland,
McKernan,
Morton,
Ninde,
Norris,
Pringle,

Stoughton,
Turner,
Utley,
Winans,
Winsor,
Withey,

32

NAYS.

Mr. Andrus,
Barber,
Bills,
Blackman,
Bradley,
Brown,
Case,
Chapin,
Chapman,
Corbin,
Divine,
Duncan,
Duncombe,
Elliott,
Germain,
Henderson,

Mr. Hixson,
Holmes,
Howard,
Huston,
Kenney,
Lamb,
Luce,
McConnell,
Miles,
Miller,
Murray,
Mussey,
Musgrave,
Pratt,
Root,
Sawyer,

Mr. Sheldon,
T. G. Smith,
Stockwell,
Thompson,
Tyler,
Van Valkenburg,
Walker,
P. D. Warner,
M. C. Watkins,
White,
Willard,
Williams,
Woodhouse,
Yeomans,
President,

47

The motion to reconsider was withdrawn.

Mr. Lamb offered the following resolution:

Resolved, That the compensation of the messengers of this Convention, be two dollars and fifty cents per day.

On motion of Mr. Thompson,

The resolution was laid on the table.

Mr. Ferris moved that the Convention take a recess;

Which motion was lost.

THIRD READING OF ARTICLES.

The article entitled "Finance and Taxation" was read a third time.

Mr. Pringle moved that the article be recommitted, with instructions to so modify section 11 as to reserve the right to the State to enforce liens for specific taxes upon works of internal improvement, and also to reserve the rights reserved in the charters of existing railroad companies to the State to purchase

the same upon certain terms and conditions; but such right shall only be exercised in the case that organizations under the general laws of the State shall advance the moneys necessary to be paid in such manner as to save all risk of loss to the State. And that such committee be further instructed to so modify section 8 that the credit of the State may be granted for the purpose of aiding in the construction of railroads by offering a premium for their construction, to an amount per mile not exceeding the sum, both principal and interest, of which would in twenty years be reimbursed by the specific taxes imposed upon the same.

Mr. Pringle moved to lay the motion to reconsider on the table;

Which motion did not prevail.

The question being on the motion to recommit the article,

It was lost.

On motion of Mr. Withey,

The article, by unanimous consent, was amended by inserting the word "business," after the word "property," in the first line of section 12.

The article was then passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

YEAS.

| | | |
|--------------|-------------|-----------------|
| Mr. Aldrich, | Mr. Hazen, | Mr. Pringle, |
| Alexander, | Henderson, | Rafter, |
| Andrus, | Hixson, | Root, |
| Bills, | Holmes, | Sawyer, |
| Birney, | Holt, | Shearer, |
| Blackman, | Howard, | Sheldon, |
| Bradley, | Hull, | T. G. Smith, |
| Brown, | Huston, | Stockwell, |
| Case, | Kenney, | Stoughton, |
| Chapin, | Lamb, | Sutherland, |
| Chapman, | Leach, | Thompson, |
| Coolidge, | Longyear, | Turner, |
| Conger, | Lovell, | Tyler, |
| Corbin, | Luce, | Utiley, |
| Crocker, | McClelland, | Van Valkenburg, |
| Daniells, | McConnell, | Walker, |
| Desnoyers, | McKernan, | White, |

| | | |
|-----------|-----------|------------|
| Duncan, | Miles, | Willard, |
| Duncombe, | Miller, | Winans, |
| Elliott, | Morton, | Withey, |
| Estee, | Murray, | Williams, |
| Farmer, | Mussey, | Woodhouse, |
| Ferris, | Musgrave, | Yeomans, |
| Germain, | Ninde, | President, |
| Harris, | Pratt, | |

74

NAYS:

Mr. Giddings, Mr. P. D. Warner, 2

On motion of Mr. Ferris,

The Convention took a recess until 2½ o'clock.

AFTERNOON SESSION.

2½ o'clock P. M.

The Convention was called to order by the President.

Roll called: a quorum present.

The Convention resumed the consideration of "Third Reading of Articles."

The Article entitled "Corporations other than Municipal," was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

YEAS.

| | | |
|--------------|-------------|-----------------|
| Mr. Aldrich, | Mr. Harris, | Mr. Root, |
| Alexander, | Hazen, | Sawyer, |
| Andrus, | Henderson, | Shearer, |
| Barber, | Holmes, | Sheldon, |
| Bills, | Holt, | T. G. Smith, |
| Blackman, | Howard, | Stockwell, |
| Bradley, | Huston, | Stoughton, |
| Brown, | Kenney, | Sutherland, |
| Case, | Lamb, | Thompson, |
| Chapin, | Leach, | Turner, |
| Chapman, | Longyear, | Tyler, |
| Coolidge, | Lovell, | Utley, |
| Conger, | Luce, | Van Valkenburg, |
| Corbin, | McConnell, | P. D. Warner, |
| Daniells, | McKernan, | M. C. Watkins, |
| Desnoyers, | Miles, | F. C. Watkins, |
| Divine, | Miller, | White, |
| Duncan, | Murray, | Willard, |

Duncombe,
Elliott,
Estee,
Farmer,
Ferris,
Germain,

Musgrave,
Ninde,
Pratt,
Pringle,
Purcell,

Winsor,
Williams,
Woodhouse,
Yeomans,
President,

70

NAYS.

Mr. Crocker,
Giddings,
Hixson,

Mr. McClelland,
Morton,
Norris,

Mr. Richmond,
Walker,

8

The article was referred to the committee on arrangement and phraseology, for numerical arrangement.

The article entitled "Elections," was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

YEAS.

Mr. Aldrich,
Alexander,
Andrus,
Barber,
Bills,
Birney,
Blackman,
Bradley,
Brown,
Case,
Chapin,
Coolidge,
Conger,
Daniells,
Divine,
Duncan,
Duncombe,
Elliott,
Estee,
Farmer,
Ferris,
Germain,
Giddings,

Mr. Harris,
Hazen,
Henderson,
Holmes,
Holt,
Howard,
Hull,
Kenney,
Leach,
Longyear,
Lovell,
Luce,
McConnell,
Miles,
Miller,
Murray,
Mussey,
Musgrave,
Ninde,
Pratt,
Pringle,
Root,

Mr. Sawyer,
Sheldon,
T. G. Smith,
Stockwell,
Stoughton,
Thompson,
Turner,
Tyler,
Utley,
Van Valkenburgh,
Walker,
P. D. Warner,
M. C. Watkins,
F. C. Watkins,
White,
Willard,
Winsor,
Withey,
Williams,
Woodhouse,
Yeomans,
President,

67

NAYS.

Mr. Burtch,
Chapman,

Mr. Hixson,
Lamb,

Mr. Norris,
Purcell,

| | | |
|------------|-------------|-------------|
| Corbin, | McClelland, | Richmond, |
| Crocker, | McKernan, | Shearer, |
| Desnoyers, | Morton, | Sutherland, |

15

On motion of Mr. McConnell,

Mr. Rafter was excused from voting.

On motion of Mr. Pringle,

The title was amended by striking out the word "Elections," and inserting in lieu thereof the words "Elective Franchise."

The article was then referred to the committee on arrangement and phraseology, for numerical arrangement.

The article entitled "Salaries" was read a third time.

Mr. Van Valkenburgh moved to recommit the article to the standing committee, with instructions to add at the end of section 1 the following words: "the above named salaries to be paid quarterly."

Mr. Duncan moved to amend the motion, by also instructing the committee to strike out "three thousand," in lines eight and nine, and insert "twenty-five hundred," in place thereof.

Mr. Duncan demanded the yeas and nays;

The demand was supported, and the amendment was not adopted, the following being the vote thereon:

YEAS.

| | | |
|--------------|-------------|----------------|
| Mr. Aldrich, | Mr. Farmer, | Mr. Ninde, |
| Alexander, | Germain, | Root, |
| Andrus, | Hazen, | Sawyer, |
| Barber, | Henderson, | Sheldon, |
| Bradley, | Hixson, | Stockwell, |
| Brown, | Kenney, | Thompson, |
| Burtch, | Lamb, | Tyler, |
| Coolidge, | Lovell, | Walker, |
| Corbin, | Luce, | M. C. Watkins, |
| Duncan, | Morton, | Willard, |
| Duncombe, | Murray, | Winans, |
| Elliott, | Musgrave, | Yeomans, |

36

NAYS.

| | | |
|------------|-------------|---------------|
| Mr. Bills, | Mr. Howard, | Mr. Richmond, |
| Birney, | Hull, | T. G. Smith, |
| Blackman, | Huston, | Stoughton, |
| Case, | Leach, | Sutherland, |

| | | |
|------------|-------------|-----------------|
| Chapin, | Longyear, | Turner, |
| Chapman, | McClelland, | Utley, |
| Conger, | McConnell, | Van Valkenburg, |
| Crocker, | McKernan, | P. D. Warner, |
| Daniells, | Miles, | F. C. Watkins, |
| Desnoyers, | Miller, | White, |
| Divine, | Mussey, | Winsor, |
| Estee, | Norris, | Withey, |
| Ferris, | Pratt, | Williams, |
| Harris, | Pringle, | Woodhouse, |
| Holt, | Purcell, | President, 45 |

Mr. Stockwell moved to amend the motion of Mr. VanValkenburgh, by further instructing the committee to strike out of line 1, the words "three thousand," and insert in place thereof, the words "twenty-five hundred."

Mr. Lovell moved to lay the article on the table;

Which motion did not prevail.

The question recurring on the motion to amend the instructions,

Mr. Stockwell demanded the yeas and nays;

The demand was supported, and the motion did not prevail, the following being the vote thereon:

YEAS.

| | | |
|--------------|----------------|----------------|
| Mr. Aldrich, | Mr. Henderson, | Mr. Sawyer, |
| Alexander, | Hixson, | Shearer, |
| Andrus, | Lamb, | Sheldon, |
| Barber, | Lovell, | Stockwell, |
| Blackman, | Luce, | Thompson, |
| Brown, | Miller, | Tyler, |
| Coolidge, | Morton, | Utley, |
| Corbin, | Murray, | Walker, |
| Crocker, | Musgrave, | M. C. Watkins, |
| Duncombe, | Ninde, | White, |
| Elliott, | Norris, | Winans, |
| Farmer, | Richmond, | Yeomans, |
| Germain, | Root, | President, 39 |

NAYS.

| | | |
|------------|-------------|------------------|
| Mr. Bills, | Mr. Howard, | Mr. T. G. Smith, |
| Birney, | Hull, | Stoughton, |
| Bradley, | Huston, | Sutherland, |
| Case, | Kenney, | Turner, |
| Chapin, | Leach, | Utley, |

| | | |
|------------|-------------|-----------------|
| Chapman, | Longyear, | Van Valkenburg, |
| Conger, | McClelland, | P. D. Warner, |
| Daniells, | McConnell, | F. C. Watkins, |
| Desnoyers, | McKernan, | Willard, |
| Divine, | Miles, | Winsor, |
| Ferris, | Mussey, | Withey, |
| Giddings, | Pratt, | Williams, |
| Harris, | Pringle, | Woodhouse, |
| Holmes, | Purcell, | 41 |

The question recurring on the motion of Mr. Van Valkenburgh,

It was not agreed to.

On motion of Mr. P. D. Warner,

The article, by unanimous consent, was amended by striking out of the eighth and ninth lines the words, "The judges of the circuit court shall each receive an annual salary of three thousand dollars," and inserting after the word "court," in the seventh line, the words, "and the judges of the circuit courts."

Mr. Alexander moved to recommit the article to the standing committee, with instructions to strike out section 1, and report a section providing that the salaries of the Governor, the Secretary of State, the State Treasurer, the Commissioner of the State Land Office, the Superintendent of Public Instruction, the Auditor General, the Attorney General, the Judges of the Supreme and Circuit Courts, shall be fixed by law, and shall not be increased or diminished during the term of office for which they were respectively elected.

Mr. Holt offered the following substitute for the section proposed by Mr. Alexander:

"The Legislature may change the salaries herein provided, at the regular session in the year 1879, and at the regular session in each tenth year thereafter, but not at any other time."

The substitute was not adopted.

The question recurring on the motion of Mr. Alexander;

It was not agreed to.

The article was then passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

YEAS.

Mr. Andrus,
Bills,
Birney,
Blackman,
Burtch,
Case,
Chapin,
Chapman,
Conger,
Crocker,
Daniells,
Desnoyers,
Divine,
Estee,
Ferris,
Germain,
Giddings,
Harris,

Mr. Holmes,
Howard,
Hull,
Huston,
Kenney,
Leach,
Longyear,
Lovell,
McClelland,
McConnell,
McKernan,
Miles,
Miller,
Murray,
Mussey,
Norris,
Pratt,
Pringle,

Mr. Richmond,
Sawyer,
Shearer,
T. G. Smith,
Stoughton,
Sutherland,
Turner,
Tyler,
Utiley,
Van Valkenburg,
P. D. Warner,
F. C. Watkins,
Willard,
Winsor,
Withey,
Williams,
Woodhouse,

53

NAYS.

Mr. Aldrich,
Alexander,
Bradley,
Brown,
Coolidge,
Corbin,
Duncan,
Duncombe,
Elliott,
Farmer,
Hazen,

Mr. Henderson,
Hixson,
Holt,
Lamb,
Luce,
Morton,
Musgrave,
Ninde,
Purcell,
Rafter,

Mr. Root,
Sheldon,
Stockwell,
Thompson,
Walker,
M. C. Watkins,
White,
Winans,
Yeomans,
President,

31

Mr. Mussey moved that Mr. Hazen be excused from voting;
Which motion did not prevail.

The article was referred to the committee on arrangement
and phraseology, for numerical arrangement.

UNFINISHED BUSINESS.

The Convention took up the resolution offered by Mr. Birney,
relative to submitting to the people separately, the question of
prohibition of license.

The resolution, by consent, was withdrawn.

Mr. Conger, by unanimous consent, submitted from the committee on the "Legislative Department," the following report:

The committee on the legislative department, to which the Convention has recommitted the article entitled "Legislative Department," with certain instructions, have had the same under consideration, and have instructed me to report the article back to the Convention, with the amendments made thereto, in pursuance of such instructions, to ask the concurrence of the Convention thereto, and to be discharged from the further consideration of the subject.

O. D. CONGER, *Chairman.*

Aug. 16, 1867.

Report accepted, and committee discharged.

Mr. Howard moved to amend the second amendment, by striking out so much as refers to the sale of spirituous or intoxicating liquors to minors, persons under guardianship, and common drunkards.

On motion of Mr. Bills,

The amendments reported by the committee were laid on the table, and ordered printed in the journal.

The amendments are as follows:

FIRST AMENDMENT.

Strike out of said article section 8, and insert in place thereof the following:

"At the election when this Constitution shall be submitted to the electors of this State for adoption or rejection, there shall also be separately submitted to such electors the two following propositions:

First. Sec. 8. The Legislature shall meet on the first Wednesday of January, in the year one thousand eight hundred and sixty-nine, and on the first Wednesday of January of each year thereafter, but at no other time except as provided in this Constitution. The time of meeting shall be at eleven o'clock in the forenoon, and the time of final adjournment shall be at twelve o'clock, noon.

Second. The Legislature shall meet on the first Wednesday of January, one thousand eight hundred and sixty-nine, and on

the first Wednesday of January, of every second year thereafter, but at no other time except as provided in this Constitution. The time of meeting shall be at eleven o'clock in the forenoon, and the time of final adjournment shall be at twelve o'clock, noon.

A separate ballot upon each proposition may be given by any elector, which shall be deposited in a ballot-box provided for that purpose.

On the ballot in favor of the adoption of the above proposition No. 1, shall be the words, "Annual sessions, yes;" and upon the ballots in favor of the above proposition No. 2, shall be the words, "Biennial sessions, yes;" and upon the head or outside of all said ballots shall be the words, "Annual or Biennial sessions," placed in such a manner that the same shall be visible when the ballot is folded.

If upon the canvass of such ballots cast at said election, a majority thereof shall be found to contain the words, "Annual Sessions—Yes," then said proposition No. 1 shall become and stand as section eight, of Article —, of this Constitution, if the same is adopted; but if a majority of such ballots shall contain the words, "Biennial Sessions—Yes," then the above proposition No. 2 shall become and stand as section eight, of Article —, of this Constitution, if the same is adopted.

SECOND AMENDMENT.

Strike out of section 32, of said article, the words, "nor pass any act authorizing the grant of license for the sale of ardent spirits or intoxicating liquors," and insert in the place thereof the following:

At the election when this Constitution shall be submitted to the electors of this State for adoption or rejection, there shall also be separately submitted to such electors the two following provisions:

No. 1.

Sec. —. The Legislature shall not pass any act authorizing the grant of license for the sale of ardent spirits or intoxicating liquors.

No. 2.

Sec. —. The Legislature shall provide for the regulation and restriction, and may prohibit the sale of intoxicating drinks, and shall impose a tax upon the traffic therein.

“The sale of such drinks to minors, persons under guardianship, paupers and common drunkards, shall be wholly prohibited, and all necessary laws shall be passed to enforce such prohibition. The annual tax in any case upon the traffic shall not be less than \$200.

“No license for the sale of ardent spirits or intoxicating liquors shall be authorized.”

A separate ballot upon each provision may be given by any elector, which shall be deposited in a ballot-box provided for that purpose. On the ballots in favor of the adoption of the above provision No. 1, shall be the words, “Prohibition—Yes;” and upon the ballots in favor of the above provision No. 2, shall be the words, “Restriction—Yes;” and upon the head or outside of all said ballots, shall be the words, “Prohibition or Restriction,” placed in such manner that the same shall be visible when the ballot is folded. If upon the canvass of such ballots cast at said election, a majority thereof shall be found to contain the words, “Prohibition—Yes,” then said provision No. 1 shall become and stand as section —, of Article —, of this Constitution, if it shall be adopted; but if a majority of such ballots shall contain the words, “Restriction—Yes,” then the above provision No. 2 shall become and stand as section —, of Article —, of this Constitution, if the same be adopted.

On motion of Mr. Estee,
The Convention adjourned.

SEVENTIETH DAY.

Lansing, Saturday, August 17, 1867.

The Convention was called to order by the President at 9 o'clock A. M.

Prayer by Rev. Mr. Spencer.

Roll called: a quorum present.

Mr. Crocker asked and obtained leave of absence for an indefinite time.

Mr. Morton asked and obtained leave of absence for Mr. Wright, for an indefinite time, on account of sickness.

Mr. Richmond asked and obtained leave of absence, after to-day, for an indefinite time.

MOTIONS AND RESOLUTIONS.

Mr. Luce moved to take from the table, the amendments reported yesterday, in accordance with specific instructions, by the standing committee on "Legislative Department;"

Which motion prevailed.

The amendment of Mr. Howard to the second amendment reported by the standing committee, was withdrawn.

Mr. Bills moved to strike out all after the fourth line, in the second amendment made by the committee, and insert in lieu thereof the following:

"At the election, at the same time when the votes of the electors shall be taken for the adoption or rejection of this Constitution, an additional section, numbered —, in the words following: 'The Legislature shall not pass any act authorizing the grant of license for the sale of ardent spirits or intoxicating liquors, but shall by law prohibit the sale of the same as a beverage;' shall be separately submitted to the electors of this State for their adoption or rejection, in form following, to wit:

"A separate ballot may be given by every person having the right to vote for the revised Constitution, to be deposited in a separate box. Upon the ballots given for said separate section, shall be written or printed, or partly written and partly printed, the words, 'Prohibition—Yes;' and upon the ballots given against the adoption of the said section, in like manner, the words, 'Prohibition—No.' If at said election a majority of the votes for and against said section shall contain the words, 'Prohibition—Yes,' then there shall be inserted in the said article the said additional section, to be numbered as section —, in said article."

Mr. McClelland moved to amend the second amendment reported by the committee, by striking out "\$200," and inserting "\$100;"

Which motion was lost.

Mr. P. D. Warner moved to amend the first alternate proposition reported by the standing committee, by adding to it the following: "But shall by law prohibit the sale of the same as a beverage."

Mr. Conger demanded the yeas and nays;

The demand was supported, and the amendment was adopted, the following being the vote thereon:

YEAS.

| | | |
|--------------|------------|-----------------|
| Mr. Aldrich, | Mr. Hazen, | Mr. Sheldon, |
| Alexander, | Hixson, | T. G. Smith, |
| Andrus, | Holmes, | Stockwell, |
| Bills, | Holt, | Stoughton, |
| Birney, | Howard, | Sutherland, |
| Blackman, | Hull, | Turner, |
| Bradley, | Huston, | Tyler, |
| Burtch, | Lamb, | Utley, |
| Case, | Leach, | Van Valkenburg, |
| Chapin, | Longyear, | Walker, |
| Coolidge, | Lovell, | P. D. Warner, |
| Conger, | McConnell, | M. C. Watkins, |
| Daniells, | McKernan, | F. C. Watkins, |
| Duncan, | Miles, | White, |
| Duncombe, | Miller, | Willard, |
| Elliott, | Mussey, | Winsor, |
| Estee, | Musgrave, | Withey, |
| Farmer, | Pratt, | Williams, |
| Ferris, | Pringle, | Woodhouse, |
| Germain, | Root, | Yeomans, |
| Giddings, | Sawyer, | President, |
| Harris, | | |

63

NAYS.

| | | |
|-------------|-------------|-------------|
| Mr. Barber, | Mr. Luce, | Mr. Rafter, |
| Brown, | McClelland, | Richmond, |
| Chapman, | Morton, | Shearer, |
| Corbin, | Murray, | Thompson, |
| Desnoyers, | Ninde, | Winans, |
| Henderson, | Purcell, | |

17

The question recurring on the amendment of Mr. Bills,

Mr. Luce demanded the yeas and nays;

The demand was supported, and the amendment was adopted, the following being the vote thereon:

YEAS.

| | | |
|--------------|----------------|-----------------|
| Mr. Aldrich, | Mr. Henderson, | Mr. Sheldon, |
| Alexander, | Holmes, | Stockwell, |
| Andrus, | Holt, | Stoughton, |
| Barber, | Howard, | Thompson, |
| Bills, | Lamb, | Tyler, |
| Blackman, | Leach, | Van Valkenburg, |
| Bradley, | Lovell, | F. C. Watkins, |
| Brown, | Luce, | White, |
| Burtch, | McConnell, | Willard, |
| Case, | Miller, | Winsor, |
| Duncan, | Murray, | Williams, |
| Elliott, | Musgrave, | Woodhouse, |
| Farmer, | Pratt, | Yeomans, |
| Germain, | Root, | President, |
| Hazen, | | |

43

NAYS.

| | | |
|-------------|-------------|----------------|
| Mr. Birney, | Mr. Hixson, | Mr. Richmond, |
| Chapin, | Hull, | Sawyer, |
| Chapman, | Huston, | Shearer, |
| Conger, | Longyear, | T. G. Smith, |
| Corbin, | McClelland, | Sutherland, |
| Daniells, | McKernan, | Turner, |
| Desnoyers, | Miles, | Utley, |
| Duncombe, | Morton, | Walker, |
| Estee, | Ninde, | P. D. Warner, |
| Ferris, | Purcell, | M. C. Watkins, |
| Giddings, | Rafter, | Winans, |

33

Mr. McClelland moved to amend the report of the standing committee by striking out section 8, and inserting in lieu thereof the following:

Sec. 8. The Legislature shall meet on the first Wednesday of January, in the year one thousand eight hundred and sixty-nine, and on the first Wednesday of January in every second year thereafter, but at no other time except as provided in this Constitution. The time of meeting shall be at eleven o'clock in the forenoon, and the time of final adjournment shall be at twelve o'clock noon.

Mr. McClelland demanded the yeas and nays;

The demand was supported, and the motion did not prevail,
the following being the vote thereon:

YEAS.

Mr. Andrus,
Hixson,
Kenney,
McClelland,
Miller,

Mr. McConnell,
Morton,
Ninde,
Purcell,
Richmond,

Mr. Walker,
P. D. Warner,
Winans,
Yeomans,

14

NAYS.

Mr. Aldrich,
Alexander,
Barber,
Birney,
Blackman,
Bradley,
Brown,
Case,
Chapin,
Chapman,
Coolidge,
Conger,
Daniells,
Duncan,
Duncombe,
Estee,
Farmer,
Ferris,
Germain,
Giddings,

Mr. Hazen,
Henderson,
Holmes,
Holt,
Howard,
Hull,
Huston,
Lamb,
Leach,
Longyear,
Lovell,
Luce,
McKernan,
Miles,
Murray,
Musgrave,
Pratt,
Pringle,
Root,
Sawyer,

Mr. Shearer,
Sheldon,
T. G. Smith,
Stockwell,
Stoughton,
Sutherland,
Thompson,
Turner,
Tyler,
Utley,
Van Valkenburg,
F. C. Watkins,
M. C. Watkins,
White,
Willard,
Winsor,
Withey,
Williams,
Woodhouse,
President,

60

On motion of Mr. Lamb,

The first amendment reported by the committee, was amended
by unanimous consent, by striking out the word "each," in the
fourth paragraph, and inserting in place thereof, the word
"either."

The question recurring on concurring in the amendments re-
ported by the standing committee as amended,

Mr. Conger demanded the yeas and nays;

The demand was supported, and the amendments as amended
were concurred in, the following being the vote thereon:

YEAS.

Mr. Aldrich,
Alexander,
Andrus,
Barber,
Bills,
Birney,
Blackman,
Bradley,
Brown,
Case,
Chapin,
Coolidge,
Conger,
Daniells,
Duncan,
Elliott,
Estee,
Farmer,
Ferris,
Germain,
Giddings,

Mr. Harris,
Hazen,
Henderson,
Holmes,
Holt,
Howard,
Hull,
Lamb,
Leach,
Longyear,
Lovell,
Luce,
McConnell,
Miles,
Miller,
Murray,
Musgrave,
Pratt,
Pringle,
Root,
Sawyer,

Mr. Sheldon,
T. G. Smith,
Stockwell,
Stoughton,
Sutherland,
Thompson,
Turner,
Tyler,
Utey,
Van Valkenburg,
Walker,
F. C. Watkins,
White,
Willard,
Winsor,
Withey,
Williams,
Woodhouse,
Yeomans,
President,

62

NAYS.

Mr. Chapman,
Corbin,
Duncombe,
Hixson,
Huston,
McClelland,

Mr. McKernan,
Morton,
Ninde,
Purcell,
Rafter,

Mr. Richmond,
Shearer,
P. D. Warner,
M. C. Watkins,
Winans,

16

Mr. Howard moved to recommit the article to the standing committee, with instructions to report a new section to read as follows:

Sec. —. The sale of spirituous or intoxicating liquors, to minors, persons under guardianship and common drunkards, shall be wholly prohibited by appropriate laws; but nothing herein contained, shall be so construed as to prevent the Legislature from wholly prohibiting the sale of such liquors to any or all other persons than those enumerated.

Mr. Ninde moved to lay the motion to recommit on the table;
Which motion was lost.

On motion of Mr. Farmer,

The Convention took a recess until 2½ o'clock.

AFTERNOON SESSION.

2½ o'clock P. M.

The Convention was called to order by the President.

Roll called: a quorum present.

The Convention resumed the consideration of the article entitled "Legislative Department."

The question being on the motion of Mr. Howard to recommit the article to the standing committee, with instructions to amend it by adding thereto the following new section:

Sec. —. The sale of spirituous or intoxicating liquors to minors, persons under guardianship, and common drunkards, shall be wholly prohibited by appropriated laws; but nothing herein contained shall be so construed, as to prevent the Legislature from wholly prohibiting the sale of such liquors to any or all other persons than those enumerated.

Mr. Conger moved to amend the section proposed, by striking out all after the word "laws," in the fourth line.

Mr. Conger demanded the yeas and nays;

The demand was supported, and the motion prevailed, the following being the vote thereon:

YEAS.

Mr. Aldrich,
Andrus,
Barber,
Birney,
Bradley,
Brown,
Burtch,
Chapin,
Coolidge,
Conger,
Desnoyers,
Elliott,
Estee,
Farmer,

Mr. Germain,
Giddings,
Harris,
Hazen,
Henderson,
Hixson,
Holt,
Hull,
Lamb,
Longyear,
Lovell,
McKernan,
Miles,
Mussey,

Mr. Pringle,
Rafter,
Sheldon,
Turner,
Van Valkenburg,
Walker,
P. D. Warner,
F. C. Watkins,
Willard,
Winsor,
Withey,
Williams,
Woodhouse,

41

NAYS.

Mr. Alexander,
Bills,
Blackman,

Mr. Luce,
McClelland,
McConnell,

Mr. T. G. Smith,
Stockwell,
Stoughton,

| | | |
|-----------|-----------|----------------|
| Case, | Miller, | Sutherland, |
| Chapman, | Murray, | Thompson, |
| Corbin, | Musgrave, | Tyler, |
| Daniells, | Ninde, | Utle, |
| Duncan, | Pratt, | M. C. Watkins, |
| Duncombe, | Purcell, | White, |
| Holmes, | Richmond, | Winans, |
| Howard, | Root, | Yeomans, |
| Huston, | Sawyer, | President, |
| Kenney, | | |

37

Mr. Howard asked leave to withdraw his motion of instructions.

Objection being made,

On motion of Mr. Luce,

Leave was granted.

On motion of Mr. Conger,

The article was amended by unanimous consent, by striking out of the 3d line of section 14, the words, "entered on the journal," and inserting in lieu thereof, the word "taken."

Mr. Lamb moved to recommit the article to the committee on the legislative department, with instruction to so amend the same, as to submit the question of aid to said railroads by townships, being the substance of sections 27 and 28, in said article, to a vote of the people separately, for and against the same.

Mr. Lamb demanded the yeas and nays;

The demand was supported, and the motion to recommit did not prevail, the following being the vote thereon:

YEAS.

| | | |
|------------|-------------|----------------|
| Mr. Brown, | Mr. Lamb, | Mr. Turner, |
| Corbin, | McClelland, | Tyler, |
| Desnoyers, | McConnell, | Utle, |
| Duncombe, | Miller, | Walker, |
| Elliott, | Murray, | P. D. Warner, |
| Ferris, | Pratt, | M. C. Watkins, |
| Germain, | Purcell, | White, |
| Hixson, | Sawyer, | Yeomans, |
| Holt, | Sheldon, | President, |
| Howard, | Stockwell, | |

29

NAYS.

| | | |
|--------------|-------------|-------------|
| Mr. Aldrich, | Mr. Harris, | Mr. Rafter, |
| Alexander, | Hazen, | Richmond, |

| | | |
|-----------|------------|-----------------|
| Andrus, | Henderson, | Root, |
| Barber, | Holmes, | Shearer, |
| Birney, | Hull, | T. G. Smith, |
| Blackman, | Huston, | Stoughton, |
| Bradley, | Kenney, | Sutherland, |
| Case, | Leach, | Thompson, |
| Chapin, | Longyear, | Van Valkenburg, |
| Chapman, | Lovell, | F. C. Watkins, |
| Coolidge, | Luce, | Willard, |
| Conger, | McKernan, | Winans, |
| Daniells, | Miles, | Winsor, |
| Duncan, | Mussey, | Withey, |
| Estee, | Musgrave, | Williams, |
| Farmer, | Ninde, | Woodhouse, |
| Giddings, | Pringle, | |

50

The article as amended was then passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

YEAS.

| | | |
|--------------|------------|-----------------|
| Mr. Aldrich, | Mr. Hazen, | Mr. Sheldon, |
| Alexander, | Holmes, | T. G. Smith, |
| Bills, | Holt, | Stockwell, |
| Birney, | Hull, | Stoughton, |
| Blackman, | Huston, | Sutherland, |
| Bradley, | Leach, | Turner, |
| Case, | Longyear, | Tyler, |
| Chapin, | Lovell, | Utley, |
| Coolidge, | Luce, | Van Valkenburg, |
| Conger, | McKernan, | Walker, |
| Daniells, | Miles, | F. C. Watkins, |
| Duncan, | Murray, | M. C. Watkins, |
| Duncombe, | Musgrave, | Willard, |
| Estee, | Ninde, | Winsor, |
| Farmer, | Pringle, | Withey, |
| Ferris, | Root, | Williams, |
| Germain, | Sawyer, | Woodhouse, |
| Giddings, | Shearer, | President, |
| Harris, | | |

55

NAYS.

| | | |
|-------------|-------------|---------------|
| Mr. Andrus, | Mr. Howard, | Mr. Purcell, |
| Barber, | Kenney, | Rafter, |
| Brown, | Lamb, | Richmond, |
| Chapman, | McClelland, | Thompson, |
| Corbin, | McConnell, | P. D. Warner, |
| Desnoyers, | Miller, | White, |
| Elliott, | Morton, | Winans, |

Henderson,
Hixson,

Mussey,

Yeomans,

25

The article was referred to the committee on arrangement and phraseology, for numerical arrangement.

Mr. Shearer moved to reconsider the vote by which the article entitled "Salaries," was passed on yesterday.

Mr. Ferris moved to lay the motion to reconsider on the table.

Mr. Ferris demanded the yeas and nays;

The demand was supported, and the motion to lay the motion to reconsider on the table was lost, the following being the vote thereon:

YEAS.

Mr. Andrus,
Barber,
Birney,
Case,
Chapin,
Conger,
Daniells,
Estee,
Ferris,
Harris,
Howard,

Mr. Huston,
Leach,
Longyear,
McConnell,
McKernan,
Miles,
Mussey,
Pratt,
Pringle,
T. G. Smith,

Mr. Stoughton,
Sutherland,
Tyler,
Van Valkenburg,
P. D. Warner,
F. C. Watkins,
Winsor,
Withey,
Williams,
Woodhouse,

31

NAYS.

Mr. Aldrich,
Alexander,
Bills,
Blackman,
Brown,
Chapman,
Coolidge,
Corbin,
Desnoyers,
Duncan,
Duncombe,
Elliott,
Farmer,
Germain,
Giddings,
Hazen,

Mr. Henderson,
Hixson,
Holmes,
Holt,
Lamb,
Lovell,
Luce,
McClelland,
Miller,
Morton,
Murray,
Musgrave,
Ninde,
Purcell,
Rafter,
Richmond,

Mr. Root,
Sawyer,
Shearer,
Sheldon,
Stockwell,
Thompson,
Turner,
Utley,
Walker,
M. C. Watkins,
White,
Willard,
Winans,
Yeomans,
President,

47

The question recurring on the motion to reconsider,

Mr. Luce demanded the previous question;

The demand was sustained, and the main question ordered.

Mr. Conger demanded the yeas and nays;

The demand was supported, and the motion to reconsider did not prevail, the following being the vote thereon:

YEAS.

| | | |
|----------------|-------------|----------------|
| Mr. Alexander, | Mr. Hixson, | Mr. Richmond, |
| Barber, | Holmes, | Root, |
| Blackman, | Holt, | Sawyer, |
| Brown, | Lamb, | Shearer, |
| Coolidge, | Lovell, | Stockwell, |
| Corbin, | Luce, | Thompson, |
| Desnoyers, | McClelland, | Tyler, |
| Duncan, | Morton, | Utley, |
| Duncombe, | Murray, | Walker, |
| Elliott, | Musgrave, | M. C. Watkins, |
| Farmer, | Ninde, | White, |
| Hazen, | Purcell, | Winans, |
| Henderson, | Rafter, | Yeomans, |

39

NAYS.

| | | |
|--------------|-------------|------------------|
| Mr. Aldrich, | Mr. Howard, | Mr. T. G. Smith, |
| Andrus, | Hull, | Stoughton, |
| Bills, | Huston, | Sutherland, |
| Birney, | Leach, | Turner, |
| Case, | Longyear, | Van Valkenburg, |
| Chapin, | McConnell, | P. D. Warner, |
| Chapman, | McKernan, | F. C. Watkins, |
| Conger, | Miles, | Willard, |
| Daniells, | Miller, | Winsor, |
| Estee, | Mussey, | Withey, |
| Ferris, | Pratt, | Williams, |
| Germain, | Pringle, | Woodhouse, |
| Giddings, | Sheldon, | President, |
| Harris, | | |

40

Messrs. Giddings and Mussey asked and obtained leave of absence for the remainder of the day.

Messrs. Miles and Burtch asked and obtained leave of absence until next Monday morning.

Mr. Bradley asked and obtained leave of absence for one hour.

Mr. Howard asked and obtained leave of absence after to-day, for an indefinite time.

On motion of Mr. Luce,

The preamble for the Constitution, reported by the committee on arrangement and phraseology, together with the substitute therefor, and the amendments thereto, were taken from the table.

The question being on the amendment of Mr. VanValkenburgh, to the substitute offered by Mr. Blackman,

It was not agreed to.

The question being on the substitute of Mr. Blackman for the preamble;

It was not adopted.

The question recurring on the adoption of the preamble,

Mr. Withey offered the following substitute:

“We, the People of the State of Michigan, grateful to Almighty God, the Sovereign Ruler of nations, for civil and religious liberty, and acknowledging our dependence upon Him for the continuance thereof, do ordain and establish the following Constitution.”

Mr. Lovell moved to amend the substitute by striking out the words, “the Sovereign Ruler of nations;”

Which motion was lost.

Mr. Thompson demanded the previous question;

The demand was sustained, and the main question ordered.

The question being on the adoption of the substitute,

Mr. McConnell demanded the yeas and nays;

The demand was supported, and the substitute was adopted, the following being the vote thereon:

YEAS.

| | | |
|-------------|-------------|-----------------|
| Mr. Andrus, | Mr. Holmes, | Mr. Sawyer, |
| Bills, | Holt, | Sheldon, |
| Blackman, | Howard, | Thompson, |
| Case, | Lamb, | Turner, |
| Chapin, | Leach, | Tyler, |
| Coolidge, | McConnell, | Van Valkenburg, |
| Duncombe, | McKernan, | P. D. Warner, |
| Elliott, | Miller, | M. C. Watkins, |
| Farmer, | Musgrave, | White, |

Ferris,
Henderson,

Pratt,
Root,

Withey,
Yeomans, 33

NAYS.

Mr. Alexander,
Barber,
Birney,
Brown,
Burtch,
Corbin,
Desnoyers,
Duncan,
Estee,
Germain,
Hixson,

Mr. Huston,
Longyear,
Lovell,
Luce,
McClelland,
Morton,
Murray,
Ninde,
Purcell,
Rafter,

Mr. Richmond,
Shearer,
T. G. Smith,
Sutherland,
Utley,
F. C. Watkins,
Willard,
Winans,
Winsor,
Woodhouse, 31

Mr. Turner moved that Mr. Burtch be excused from voting;
Which motion did not prevail.

Mr. Burtch then voted as recorded.

Mr. Howard moved that Mr. Lamb be excused from voting;
Which motion did not prevail.

Mr. Lamb then voted as recorded.

The preamble as amended by the substitute, was then adopted.
On motion of Mr. Chapin,
The Convention adjourned.

SEVENTY-FIRST DAY.

Lansing, Monday, August 19, 1867.

The Convention was called to order by the President at 9 o'clock A. M.

Prayer by Rev. Mr. McIntire.

Rolled called: a quorum present.

REPORTS OF STANDING COMMITTEES.

By the committee on arrangement and phraseology:

The committee on arrangement and phraseology, to whom were referred the several Articles of the Constitution for numerical arrangement, respectfully report that they have arranged the articles in the following order, namely:

PREAMBLE.

Art. 1. Boundaries and Seat of Government.

Art. 2. Bill of Rights.

Art. 3. Elective Franchise.

Art. 4. Division of the Powers of Government.

Art. 5. Legislative Department.

Art. 6. Executive Department.

Art. 7. Judicial Department.

Art. 8. State Officers.

Art. 9. Impeachments and Removals from Office.

Art. 10. Salaries.

Art. 11. Finance and Taxation.

Art. 12. Education.

Art. 13. Military Department.

Art. 14. Counties.

Art. 15. Townships.

Art. 16. Cities and Villages.

Art. 17. Corporations other than Municipal.

Art. 18. Exemptions.

Art. 19. Miscellaneous Provisions.

Art. 20. Amendment and Revision of the Constitution.

Art. 21. Schedule.

And your committee ask to be discharged from the further consideration of the subject.

T. NINDE, *Chairman*.

Report accepted and adopted, and the committee discharged.

MOTIONS AND RESOLUTIONS.

Mr. Leach offered the following resolution, which was adopted:

Resolved, That the Secretary of the Convention be and he is hereby authorized and requested to compile and prepare for publication, the journal of this Convention, and make a full and copious index for the same, and when completed and certified to by the Secretary of State, the Secretary of the Convention shall be entitled to and receive the sum of five hundred dollars.

On motion of Mr. Conger,

The following resolution was taken from the table:

Resolved, That the State Librarian be and he is hereby authorized to prepare a full and copious index of the proceedings and debates of this Convention, and cause the same to be published and bound in the volumes of debates; and that for his services in this matter he be allowed a reasonable sum, to be audited and allowed by the Board of State Auditors.

Mr. Case moved to strike out the words "State Librarian," and insert in lieu the words "official reporters;" and by striking out the words "he" and "his," and inserting in place thereof "they" and "their."

Mr. Withey offered the following substitute for the resolution:

Resolved, That the official reporters of this Convention be employed to prepare a complete and copious index of the debates of this Convention; also to arrange the Constitutions of this State of 1835, 1850 and 1867, for publication in parallel columns at the close of the second volume of debates, before the index; and that they be allowed the sum of two hundred and fifty dollars for this service.

The amendment of Mr. Case was withdrawn.

On motion of Mr. Conger,

The resolution and substitute were referred to the committee on printing.

Mr. Sawyer moved to reconsider the vote by which the article entitled "Salaries," was passed.

The President, with the consent of the Convention, called Mr. Huston to the chair, and obtained leave of absence for the day.

Mr. Barber moved to lay the pending motion to reconsider on the table.

Mr. Ferris demanded the yeas and nays;

The demand was supported, and the motion to lay the motion to reconsider on the table did not prevail, the following being the vote thereon:

YEAS.

Mr. Aldrich,
Andrus,
Bills,

Mr. Harris,
Howard,
Hull,

Mr. T. G. Smith,
Stoughton,
Sutherland,

Birney,
Bradley,
Case,
Chapman,
Conger,
Daniells,
Desnoyers,
Estee,
Ferris,
Giddings,

Huston,
Leach,
Longyear,
McClelland,
McKernan,
Miles,
Mussey,
Pringle,
Purcell,
Shearer,

Turner,
Tyler,
Van Valkenburg,
F. C. Watkins,
White,
Winsor,
Withey,
Williams,
Woodhouse,

38

NAYS.

Mr. Alexander,
Barber,
Blackman,
Brown,
Coolidge,
Corbin,
Duncan,
Duncombe,
Elliott,
Farmer,
Germain,
Hazen,
Henderson,

Mr. Hixson,
Holmes,
Holt,
Kenney,
Lamb,
Lawrence,
Lovell,
Luce,
McConnell,
Miller,
Morton,
Murray,
Musgrave,

Mr. Ninde,
Rafter,
Root,
Sawyer,
Sheldon,
Stockwell,
Thompson,
Utley,
Walker,
P. D. Warner,
M. C. Watkins,
Willard,
Yeomans,

39

Mr. Leach demanded the previous question, which was, by request, subsequently withdrawn.

The demand for the previous question was renewed;

The demand was sustained and the main question ordered.

The question being on the motion to reconsider,

Mr. Conger demanded the yeas and nays;

The demand was supported, and the motion did not prevail, the following being the vote thereon:

YEAS.

Mr. Alexander,
Blackman,
Brown,
Coolidge,
Corbin,
Duncan,
Duncombe,
Elliott,
Farmer,
Germain,
Henderson,

Mr. Hixson,
Holmes,
Kenney,
Lamb,
Lawrence,
Lovell,
Luce,
McConnell,
Morton,
Murray,
Musgrave,

Mr. Rafter,
Root,
Sawyer,
Sheldon,
Stockwell,
Thompson,
Walker,
P. D. Warner,
M. C. Watkins,
Winans,
Yeomans,

33

NAYS.

| | | |
|--------------|---------------|-----------------|
| Mr. Aldrich, | Mr. Giddings, | Mr. Purcell, |
| Andrus, | Harris, | Shearer, |
| Barber, | Hazen, | T. G. Smith, |
| Bills, | Hull, | Stoughton, |
| Birney, | Huston, | Turner, |
| Bradley, | Leach, | Tyler, |
| Case, | Longyear, | Van Valkenburg, |
| Chapin, | McClelland, | F. C. Watkins, |
| Chapman, | McKernan, | White, |
| Conger, | Miles, | Willard, |
| Daniells, | Miller, | Winsor, |
| Desnoyers, | Mussey, | Withey, |
| Estee, | Pratt, | Williams, |
| Ferris, | Pringle, | Woodhouse, 42 |

On motion of Mr. Birney,

The Convention went into committee of the whole on the general order,

Mr. Henderson in the chair.

IN COMMITTEE OF THE WHOLE.

The committee proceeded to the consideration of the "Schedule."

The Schedule having been read through by the Secretary, and section 3 being under consideration,

Mr. Williams moved to amend it by adding thereto the following words: "or to the particular fund designated in this Constitution."

Mr. Stoughton moved to amend the amendment, by inserting after the word "under," where it last occurs in the section, the words, "the provisions of;"

Which was accepted.

Mr. Bills moved the following substitute for the pending amendment:

Strike out the word "under," where it last occurs in the section, and insert the following in lieu thereof: "and be distributed according to the provisions of."

Mr. M. C. Watkins moved that the committee rise, report progress, and ask leave to sit again;

Which motion prevailed.

IN CONVENTION.

The committee of the whole have had under consideration the Schedule;

Have made some progress therein, but not having gone through therewith, have directed me to report that fact to the Convention, and ask leave to sit again.

The report was accepted.

Leave was granted the committee to sit again.

On motion of Mr. T. G. Smith,

The Convention took a recess until 2½ o'clock P. M.

AFTERNOON SESSION.

2½ o'clock P. M.

The Convention was called to order by the acting President.

Roll called: a quorum present.

Mr. Blackman asked and obtained leave of absence for Mr. Stockwell, for an indefinite time, on account of sickness.

On motion of Mr. Willard,

The Convention went into committee of the whole on the general order,

Mr. Henderson in the chair.

IN COMMITTEE OF THE WHOLE.

The committee resumed the consideration of the "Schedule."

The question being on the substitute of Mr. Bills for the pending amendment to section 3,

It was not adopted.

The amendment was then adopted.

Section 8 being under consideration,

Mr. Stoughton moved to amend it by striking out all after the word "office," and inserting in lieu thereof the words, "and until their successors are elected and qualified according to law;"

Which motion prevailed.

Section 12 being under consideration,

Mr. McClelland moved to amend it by inserting after the word "attached," in the first line, the words "or that may be attached;"

Which motion prevailed.

Mr. Miles moved to amend section 13 by inserting at the end of the first line the words "first Tuesday after the;" also by striking out of the second line the word "April," and inserting in place thereof the word "November;" also the word "eight," and inserting in place thereof the word "seven;" also by striking out of the sixth line the word "February," and inserting in place thereof the word "September;"

Which motion was lost.

Mr. McClelland moved to amend the section by adding after the word "day," in the sixth line, the words "the elections in cities wherein there are no elections held annually in the month of April, shall be held and conducted, as near as may be, in the same manner as in the case of elections for Judges of the Supreme Court, or Regents of the University;"

Which motion prevailed.

Mr. Leach moved to further amend the section by striking out the word "February," and inserting the word "January," in lieu thereof;

Which motion prevailed.

Section 14 being under consideration,

Mr. Blackman moved to amend it by striking out all after the word "Constitution," in line 3;

Which motion was lost.

Mr. Birney moved to amend the section by inserting after the word "Constitution," in the 3d line, the words "and for and against the resolutions separately submitted;"

Which was agreed to.

Section 16 being under consideration,

Mr. Turner moved to fill the blank in the 5th line, with "June 1st;"

Which was agreed to.

Mr. Turner moved to further amend the section by filling the blank in the 10th line, with the word "July;"

Which motion prevailed.

Mr. Williams moved to further amend the section by inserting after the word "next," in the 10th line, the following: "and any person declared an elector, and entitled to vote by article III, of this Constitution, shall from and after the said first day of July, be entitled to vote at any election in the same manner and subject to the same rules and regulations as now provided by law for the electors of this State;"

Which was adopted.

Section 17 being under consideration,

Mr. Case moved to fill the blanks in the second line, by inserting the word "first," in the first blank, and "January 1869," in the second blank.

Mr. Pringle moved to strike out the section.

Mr. Conger offered the following substitute for the section:

SECTION 17. The Legislature shall have the power to increase or diminish the salaries of all officers provided for in the article entitled "Salaries," in this Constitution, but not so as to change any salary during the term of any incumbent.

The question being on the amendment of Mr. Case to the substitute,

It was not agreed to.

Mr. T. G. Smith moved to strike out all of section 17, after the word "until," and insert as follows: "The date of the adoption of this Constitution, after which they shall be entitled to the salaries provided for in this Constitution;"

Which motion was lost.

Mr. Lovell moved to amend the substitute by adding thereto the words, "hereafter elected;"

Which was accepted.

Mr. Blackman moved to amend the substitute by striking out the words, "increase or;"

Which was lost.

Mr. Stoughton moved to amend the substitute by striking out

all after the word "Constitution," and inserting the words "by a vote of two-thirds of all the member elect to each house;"

- Which was adopted.

The question recurring on the substitute as amended,

It was adopted.

The motion to strike out the section was withdrawn.

Section 19 being under consideration,

Mr. Miles moved to amend it by striking out of the first line the words, "in March," and inserting in place thereof, the words, "after the first Monday in November;" also, by striking out of the fourth line the word "justice," and inserting in lieu thereof the word "judge."

A division of the queson being called for,

The first clause of the amendment was not adopted.

The second clause of the amendment was adopted.

Section 20 being under consideration,

Mr. Turner offered the following substitute:

Sec. 20. The State shall be divided into five judicial districts, and the counties of Wayne, Monroe, Lenawee, Hillsdale, Branch and St. Joseph, shall constitute the first district; the counties of Kalamazoo, Washtenaw, Jackson, Cass, Berrien, Allegan, Van Buren, Calhoun and Eaton, shall constitute the second district; the counties of Ottawa, Muskegon, Oceana, Mason, Leelanaw, Barry, Grand Traverse, Antrim, Kent, Ionia, Clinton, Montcalm, Manistee, Newaygo and Mecosta, with the territory attached thereto, shall constitute the third district; the counties of Shiawassee, Ingham, Livingston, Genesee, Lapeer, Oakland, Macomb, St. Clair, Sanilac, Huron, Tuscola, Saginaw, Midland, Gratiot, Isabella, Bay, Iosco and Alpena, with the territory attached thereto, shall constitute the fourth district; and the counties of Mackinaw, Cheboygan, Chippewa, Emmett, Manitou, Ontonagon, Marquette, Houghton, Keweenaw, Delta and Menominee, with the territory attached thereto, shall constitute the fifth district.

Mr. Pringle moved to amend the substitute by striking out of

the first line the words, "The State shall be divided into five judicial districts."

Mr. Turner, by unanimous consent, also offered the following substitute for section 21:

Sec. 21. The judicial districts shall be subdivided into circuits, and such circuits successively numbered; and the counties of Wayne and Monroe shall constitute the first circuit; the counties of Lenawee, Hillsdale, Branch and St. Joseph shall constitute the second circuit; the counties of Allegan, Van Buren, Cass, Kalamazoo and Berrien shall constitute the third circuit; the counties of Washtenaw, Jackson, Calhoun and Eaton shall constitute the fourth circuit; the counties of Muskgon, Oceana, Mason, Manistee, Leelanaw, Grand Traverse, Antrim, Newaygo and Mecosta, with the territory attached thereto, shall constitute the fifth circuit; the counties of Barry, Clinton, Ionia, Kent, Montcalm and Ottawa shall constitute the sixth circuit; the counties of Ingham, Shiawassee, Livingston, Genesee, Lapeer and Tuscola shall constitute the seventh circuit; the counties of Oakland, Macomb, St. Clair, Sanilac and Huron shall constitute the eighth circuit; the counties of Saginaw, Bay Midland, Gratiot, Isabella, Iosco and Alpena, with the territory attached thereto, shall constitute the ninth circuit; the counties of Mackinaw, Chippewa, Cheboygan, Emmet and Manitou, with the territory attached thereto, shall constitute the tenth circuit; and the counties of Ontonagon, Houghton, Keweenaw, Marquette, Delta and Menominee, with the territory thereto attached, shall constitute the eleventh circuit.

And it shall not be competent for the Legislature to increase the number of circuits, until after the expiration of eight years from the adoption of this Constitution.

Mr. Miles moved to amend the amendment, by adding at the end thereof the following: "The Legislature shall not increase the number of circuits or the number of Judges of the Circuit Courts, as fixed by this Constitution, until after the expiration of ten years from the time of its adoption."

Mr. Root moved that the committee rise, report progress, and ask leave to sit again;

The motion prevailed.

IN CONVENTION.

The committee, through the chairman, submitted the following report:

The committee of the whole have had under consideration the "Schedule" to the Constitution;

Have made some progress therein, but not having gone through therewith, have directed me to report that fact to the Convention, and ask leave to sit again.

E. F. HENDERSON, *Chairman*.

Report accepted, and leave granted the committee to sit again.

On motion of Mr. Case,

The Convention adjourned.

SEVENTY-SECOND DAY.

Lansing, Tuesday, August 20, 1867.

The Convention was called to order by the President, at 9 o'clock A. M.

Prayer by Rev. Mr. Vandriss.

Roll called: a quorum present.

Mr. McKernan asked and obtained leave of absence for Mr. Ferris, for an indefinite time, on account of sickness.

Mr. White asked and obtained leave of absence for the remainder of the session.

Mr. Walker asked and obtained leave of absence during this afternoon.

• Mr. Tyler asked and obtained leave of absence during this afternoon.

Mr. Duncan asked and obtained leave of absence during this afternoon.

PRESENTATION OF PETITIONS.

By Mr. Holt: petition of Wm. Hibbard, Chas Parrish, Henry Richle, John H. Weller, Jefferson Decker, Ova N. Smith, George B. Smith, Charles G. Archer and 310 other citizens of Muskegon county, praying for a provision in the new Constitution requiring the disposal of lands under the control of the State to actual settlers only.

Referred to the committee on public lands.

MOTIONS AND RESOLUTIONS.

Mr. Conger offered the following resolution:

Resolved, That the Librarian shall be allowed the same *per diem* compensation as members, for the days when the Convention has a session, for his services during the sitting of this Convention.

Mr. Luce moved to lay the resolution on the table.

Mr. Thompson demanded the yeas and nays;

The demand was supported, and the motion to lay on the table did not prevail, the following being the vote thereon:

YEAS.

| | | |
|-------------|-------------|----------------|
| Mr. Andrus, | Mr. Farmer, | Mr. Rafter, |
| Barber, | Germain, | Root, |
| Bills, | Hixson, | Sawyer, |
| Blackman, | Leach, | Sheldon, |
| Brown, | Luce, | Stockwell, |
| Case, | McConnell, | Thompson, |
| Chapin, | Murray, | M. C. Watkins, |
| Desnoyers, | Musgrave, | Winans, |
| Duncan, | Ninde, | Williams, |
| Duncombe, | Purcell, | Yeomans, |
| Elliot, | | |

31

NAYS.

| | | |
|--------------|-------------|----------------|
| Mr. Aldrich, | Mr. Holt, | Mr. Shearer, |
| Alexander, | Howard, | T. G. Smith, |
| Birney, | Hull, | Stoughton, |
| Burtch, | Huston, | Sutherland, |
| Chapman, | Kenney, | Turner, |
| Coolidge, | Lamb, | Tyler, |
| Conger, | Lawrence, | VanValkenburg, |
| Corbin, | Longyear, | Walker, |
| Daniells, | McClelland, | P. D. Warner, |

| | | |
|------------|-----------|----------------|
| Estee, | McKernan, | F. C. Watkins, |
| Giddings, | Miles, | Willard, |
| Harris, | Miller, | Withey, |
| Hazen, | Mussey, | Woodhouse, |
| Henderson, | Pratt, | President, |
| Holmes, | Pringle, | 44 |

Mr. Thompson moved to amend the resolution by adding thereto the following:

“ And that the sum of four dollars per day be allowed to the Auditor General and Attorney General for their attendance on the Convention during its sessions; also to the different reporters of newspapers for actual attendance;”

Which motion did not prevail.

Mr. Hazen offered the following substitute for the resolution:

Resolved, That the State Librarian receive the sum of two hundred dollars for his services during the session of this Convention.

The substitute was not adopted.

The question recurring on the adoption of the resolution,

Mr. Blackman demanded the yeas and nays;

The demand was supported, and the resolution was not adopted, the following being the vote thereon:

YEAS.

| | | |
|--------------|-------------|------------------|
| Mr. Aldrich, | Mr. Hull, | Mr. T. G. Smith, |
| Birney, | Longyear, | Stoughton, |
| Coolidge, | McClelland, | Sutherland, |
| Conger, | McKernan, | Turner, |
| Daniells, | Miles, | VanValkenburgh |
| Harris, | Miller, | Withey, |
| Holt, | Shearer, | Woodhouse, |
| Howard, | | 22 |

NAYS.

| | | |
|----------------|-------------|----------------|
| Mr. Alexander, | Mr. Farmer, | Mr. Sawyer, |
| Andrus, | Germain, | Sheldon, |
| Barber, | Hixson, | Stockwell, |
| Bills, | Kenney, | Thompson, |
| Blackman, | Lamb, | Tyler, |
| Bradley, | Lawrence, | Utley, |
| Brown, | Leach, | Walker, |
| Case, | Luce, | P. D. Warner, |
| Chapin, | McConnell, | M. C. Watkins, |

| | | |
|------------|-----------|----------------|
| Chapman, | Murray, | F. C. Watkins, |
| Corbin, | Musgrave, | White, |
| Desnoyers, | Ninde, | Winans, |
| Duncan, | Pringle, | Winsor, |
| Duncombe, | Purcell, | Williams, |
| Elliott, | Rafter, | Yeomans, |
| Estee, | Root, | President, 48 |

Mr. Stoughton offered the following resolution:

Resolved, That the committee on printing be instructed to procure the publication of 400 copies, in pamphlet form, of the Constitution now being formed, for the use of the members of the Convention.

Mr. P. D. Warner moved to strike out the figures "400," and insert in lieu "1,000;"

Which motion prevailed.

The resolution as amended, was then adopted.

Mr. Alexander offered the following resolution:

Resolved, That after this Convention shall have adjourned *sine die*, the post master of this Convention be authorized and requested to obtain from the State Printer the daily journals and debates, and pamphlet constitution, as fast as they are printed, and forward the number to which each member and officer and the messengers are entitled, to them by mail, post paid, and that he be allowed the sum of — dollars for his services in addition to the postage thereon.

Mr. Morton offered the following substitute for the resolution:

Resolved, That the printer of the laws is hereby directed to send ten copies of the debates and journals, printed after the adjournment, to each member and officer of the Convention, directed to their respective post offices, unless they otherwise direct the printer.

Mr. Giddings moved to fill the blank in the original resolution with the words "fifty dollars."

• Mr. Barber moved to fill the blank with "one hundred dollars;"

Which motion prevailed.

The question being on the substitute for the resolution,

It was not adopted.

The resolution, as amended, was then adopted.

Mr. Morton offered the following resolution, which was adopted:

Resolved, That the Convention debates be bound in sheep, and in the style of the Congressional Globe.

Mr. Pratt moved to take from the table the resolution to increase the pay of the messengers of the Convention;

Which motion was lost.

Mr. Morton offered the following resolution.

Resolved, That the Secretary of State forward bound copies of the debates, and two of the journal, to each member and officer of the Convention, as soon as the same are completed. That one hundred copies be retained in the State Library, and the remaining copies be distributed as directed by the Legislature.

On motion of Mr. Chapin,

The resolution was laid on the table.

Mr. Aldrich offered the following resolution:

Resolved, That the Hon. J. W. Longyear be added to the committee on supplies, whose duty it shall be to examine and certify to the account of the official reporters of this Convention; and his certificate shall have the same effect as if signed by the chairman by order of the committee;

Which was adopted.

On motion of Mr. Mussey,

The Convention went into committee of the whole on the general order,

Mr. Henderson in the chair.

IN COMMITTEE OF THE WHOLE.

The committee resumed the consideration of the "Schedule."

The question being on the amendment of Mr. Pringle to the substitute for section 20, offered by Mr. Turner,

The amendment was not adopted.

Mr. Coolidge moved to amend the substitute by prefixing thereto the words, "until otherwise provided by law;"

Which was accepted.

Mr. Howard moved to amend the substitute so as to transfer the county of Ingham from the 7th to the 2d circuit, and from the 4th district to the 1st district;

Which motion was lost.

The substitute for section 20, as amended, was then adopted.

The question being on the amendment of Mr. Miles to the substitute for section 21, offered by Mr. Turner,

It was accepted.

Mr. Coolidge moved to amend the substitute by inserting after the word "numbered," in the second line, the words, "and until otherwise provided by law;"

Which was accepted.

Mr. Miles moved that the committee rise, report progress, and ask leave to sit again;

Which motion prevailed.

IN CONVENTION.

The committee through the chairman, submitted the following report:

The committee of the whole have had under consideration the Schedule; have made some progress therein, but not having gone through therewith, have directed me to report that fact to the Convention, and ask leave to sit again.

E. F. HENEDRSON, *Chairman.*

On motion of Mr. Leach,

The committee was discharged from the further consideration of the subject.

Mr. Mussey moved that the vote by which the committee was discharged from the further consideration of the subject, be reconsidered;

Which motion was agreed to.

Mr. McClelland moved that the "Schedule," with the amendments thereto, be reported back to the Convention, and the committee be discharged from the further consideration thereof;

Which motion prevailed.

On motion of Mr. P. D. Warner,

The Convention took a recess until 2½ o'clock P. M.

AFTERNOON SESSION.

2½ o'clock P. M.

The Convention was called to order by the President.

Roll called: a quorum present.

The Convention resumed the consideration of the "Schedule."

Mr. Henderson, in pursuance of the action of the Convention in discharging the committee of the whole from the further consideration of the "Schedule," submitted the following report:

In pursuance of the action of the Convention, I now, as chairman of the committee of the whole, report the "Schedule" back to the Convention, asking concurrence in the amendments made thereto by the committee.

E. F. HENDERSON, *Chairman*.

Report accepted and committee discharged.

The Convention proceeded to the consideration of section 22 of the "Schedule."

Mr. Blackman moved to strike out the section;

Which was subsequently withdrawn.

Mr. Sutherland moved to amend the section by adding thereto the following: "And the counties of Mackinaw, Cheboygan and Chippewa, one representative."

After some debate, the amendment was withdrawn.

The question being on concurring in the amendments made to the Schedule by the committee of the whole, they were considered *seriatim*.

The question being on concurring in the amendment made by section 8, striking out all after the word "officers," and inserting in place thereof the words "and until their successors are elected and qualified according to law;"

It was concurred in.

The question being on concurring in the amendment made by the committee to section 12, inserting after the word "attached," the words "or that may be attached;"

It was concurred in.

The question being on concurring in the first amendment made by the committee to section 13, striking out the word "February," and inserting in lieu thereof the word "January;"

It was concurred in.

The question being on concurring in the second amendment to section 13, inserting after the word "day," the words, "the election in cities wherein there are no elections held annually in the month of April, shall be held and conducted, as near as may be, in the same manner as in the case of elections for Judges of the Supreme Court, for Regents of the University;"

It was concurred in.

The question being on concurring in the amendment made by the committee to section 14, by inserting after the word "Constitution," where it last occurs in the section, the words, "and for and against the resolution separately submitted;"

It was not concurred in.

The question being on concurring in the first amendment made by the committee to section 16, by filling the blanks in the fifth line, so that it shall read "fifth day of June;"

It was concurred in.

The question being on concurring in the second amendment made by the committee to the same section, filling the blank therein with the word "July;"

It was concurred in.

The question being on concurring in the third amendment made by the committee to the section, by inserting after the word "next," in the tenth line, the words, "and any person declared an elector, and entitled to vote by article III, of this Constitution, shall, from and after the first day of July next, be entitled to vote at any election in the same manner and subject to the same rules and regulations as now provided by law for the electors of this State,"

It was concurred in.

The question being on concurring in the substitute reported by the committee for section 17,

Mr. Alexander moved to amend it by adding thereto the following:

“All persons holding office under the present Constitution shall be entitled to the salaries provided for in this Constitution, from and after the time the same shall go into effect;”

Which was adopted.

Mr. Conger moved to amend section 17, so as to read as follows:

Sec. 17. The Legislature shall have the power, by a two-thirds vote of all the members elected to each House, to increase or diminish the salaries of all officers provided for in the article in this Constitution entitled “Salaries,” but not so as to change any salary during the term of any incumbent elected under this Constitution;

Which motion did not prevail.

The substitute reported by the committee, as amended, was then concurred in.

The question being on concurring in the amendment made by the committee to section 19, by striking out the word “justice,” in the fourth line, and inserting in lieu thereof the word “judge,”

It was concurred in.

The question being on concurring in the amendments made by the committee to section 20;

Which section, as amended, reads as follows:

Sec. 20. The State shall be divided into five judicial districts, and, until otherwise provided by law, the counties of Wayne, Monroe, Lenawee, Hillsdale, Branch, and St. Joseph, shall constitute the first district; the counties of Kalamazoo, Washtenaw, Jackson, Cass, Berrien, Allegan, Van Buren, Calhoun and Eaton, shall constitute the second district; the counties of Ottawa, Muskegon, Oceana, Mason, Leelanaw, Barry, Grand Traverse, Antrim, Kent, Ionia, Clinton, Montcalm, Manistee, Newaygo, and Mecosta, with the territory attached thereto, shall consti-

tute the third district; the counties of Shiawassee, Ingham, Livingston, Genesee, Lapeer, Oakland, Macomb, St. Clair, Sanilac, Huron, Tuscola, Saginaw, Midland, Gratiot, Isabella, Bay, Iosco and Alpena, with the territory attached thereto, shall constitute the fourth district; and the counties of Mackinaw, Cheboygon, Chippewa, Emmet, Manitou, Ontonagon, Marquette, Houghton, Keweenaw, Delta, and Menominee, with the territory attached thereto, shall constitute the fifth district;

It was concurred in.

The question being on concurring in the amendments made by the committee to section 21, the section as amended being as follows:

Sec. 21. The judicial districts shall be subdivided into circuits, and such circuits successively numbered; and until otherwise provided by law, the counties of Wayne and Monroe, shall constitute the first circuit; the counties of Lenawee, Hillsdale, Branch and St. Joseph, shall constitute the second circuit; the counties of Allegan, Van Buren, Cass, Kalamazoo, and Berrien, shall constitute the third circuit; the counties of Washtenaw, Jackson, Calhoun and Eaton, shall constitute the fourth circuit; the counties of Muskegon, Oceana, Mason, Manistee, Leelanaw, Grand Traverse, Antrim, Newaygo and Mecosta, with the territory attached thereto, shall constitute the fifth circuit; the counties of Barry, Clinton, Ionia, Kent, Montcalm and Ottawa, shall constitute the sixth circuit; the counties of Ingham, Shiawassee, Livingston, Genesee, Lapeer and Tuscola, shall constitute the seventh circuit; the counties of Oakland, Macomb, St. Clair, Sanilac and Huron, shall constitute the eighth circuit; the counties of Saginaw, Bay, Midland, Gratiot, Isabella, Iosco and Alpena, with the territory attached thereto, shall constitute the ninth circuit; the counties of Mackinaw, Chippewa, Cheboygon, Emmet and Manitou, with the territory attached thereto, shall constitute the tenth circuit; and the counties of Ontonagon, Houghton, Keweenaw, Marquette, Delta and Menominee, with the territory thereto attached, shall constitute the eleventh circuit. The Legislature shall not increase the number of the

judges of the circuit courts, as fixed by this Constitution, until after the expiration of ten years from the time of its adoption;"

It was concurred in.

Amendments to the body of the article being in order,

Mr. Pringle moved to amend section 11, line 1. Strike out the words "and Judges of the Supreme Court are required," and insert in place thereof the word "shall;"

Which was not agreed to.

Mr. Coolidge moved to strike out the section;

Which motion did not prevail.

Mr. Miles moved to amend section 13, by inserting at the end of the first line the words "first Tuesday after the;" also, by striking out of the second line the word "April," and inserting in place thereof the word "November;" also, by striking out of the second line the word "eight," and inserting the word "seven;" also, by striking out of the sixth line the word "February," and insert in place thereof the word "September."

Mr. Miles demanded the yeas and nays

The demand was supported, and the amendment was not adopted, the following being the vote thereon:

YEAS.

| | | |
|--------------|-------------|---------------|
| Mr. Aldrich, | Mr. Huston, | Mr. Thompson, |
| Barber, | Kenney, | Turner, |
| Chapman, | Longyear, | Utley, |
| Coolidge, | McKernan, | P. D. Warner, |
| Conger, | Miles, | Willard, |
| Daniells, | Musgrave, | Withey, |
| Giddings, | Pratt, | Woodhouse, |
| Hazen, | Pringle, | President, |
| Holt, | Sutherland, | |

26

NAYS.

| | | |
|----------------|----------------|-----------------|
| Mr. Alexander, | Mr. Henderson, | Mr. Rafter, |
| Bills, | Hixson, | Root, |
| Birney, | Holmes, | Sawyer, |
| Blackman, | Howard, | Shearer, |
| Bradley, | Lamb, | Sheldon, |
| Brown, | Lawrence, | T. G. Smith, |
| Burtch, | Leach, | Stockwell, |
| Case, | Lovell, | Stoughton, |
| Chapin, | Luce, | Van Valkenburg, |

Desnoyers,
Duncombe,
Elliott,
Estee,
Farmer,
Germain,
Harris,

McClelland,
McConnell,
Miller,
Morton,
Mussey,
Ninde,
Purcell,

W. E. Warner,
M. C. Watkins,
White,
Winans,
Williams,
Yeomans,

47

Mr. Turner moved to amend section 19, by striking out all after the word "thereafter," in the third line, and inserting in lieu the following: "There shall be elected at the same time two Judges of the Supreme Court, one of whom shall be elected for the term of eight years, and one for the term of ten years, and every second year thereafter one judge of said Court shall be elected. The terms of office of said Judges shall commence on the first day of January following their election;"

Which was adopted.

Mr. Alexander moved to amend section 16, by inserting after the word "State," in the sixth line, "or a majority of them;"

Which was adopted.

On motion of Mr. Williams,

Rule 19 was suspended.

Mr. Williams moved that the article be placed on its final passage.

Mr. Williams moved that the Convention adjourn;

Which motion did not prevail.

On motion of Mr. Conger,

The article was referred to the committee on arrangement and phraseology, for correction and engrossment.

The article is as follows:

SCHEDULE

That no inconvenience may arise from the changes in the Constitution of this State, and in order to carry the same into complete operation, it is hereby declared, that—

SECTION 1. The common law, and the statute laws now in force, not repugnant to this Constitution, shall remain in force until they expire by their own limitations, or are altered or repealed by the Legislature.

Sec. 2. All writs, actions, causes of action, prosecutions and rights of individuals and of bodies corporate, and of the State, and all charters of incorporation, shall continue; and all indictments and informations which shall have been found or filed, or which may hereafter be found or filed, for any crime or offense committed before the adoption of this Constitution, may be proceeded upon as if no change had taken place. The several courts, except as herein otherwise provided, shall continue with the like powers and jurisdiction, both at law and in equity, as if this Constitution had not been adopted, and until the organization of the judicial department under this Constitution.

Sec. 3. All fines, penalties, forfeitures and escheats, accruing to the State under the present Constitution and laws, shall accrue to the use of the State under this Constitution.

Sec. 4. All recognizances, bonds, obligations, and all other instruments entered into or executed before the adoption of this Constitution, to the people of this State, or to any State, county or township, or any public officer, or public body, or which may be entered into or executed under existing laws, "to the People of this State," to any such officer or public body, before the complete organization of the departments of government under this Constitution, shall remain binding and valid, and rights and liabilities upon the same shall continue, and may be prosecuted as provided by law. And all crimes, and misdemeanors, and penal actions, shall be prosecuted, tried and punished, as though no change had taken place, until otherwise provided by law.

Sec. 5. All officers, civil and military, now holding any office or appointment, shall continue to hold their respective offices, unless removed by competent authority, until superceded under the laws now in force, or under this Constitution.

Sec. 6. The members of the Senate and House of Representatives of the Legislature of [the year] one thousand eight hundred and sixty-seven, shall continue in office under the provisions of law, until superceded by their successors, elected and qualified under this Constitution.

Sec. 7. All county officers, unless removed by competent authority, shall continue to hold their respective offices until the first day of January, in the year one thousand eight hundred and sixty-nine. The laws now in force as to the election, qualifications, and duties of township officers, [except as changed by this Constitution,] shall continue in force until altered or repealed by the Legislature.

Sec. 8. The present Governor and other State officers, and the present Judges of the Supreme and Circuit Courts, shall continue to hold their respective offices until the expiration of the term for which they were elected. The present members of the State Board of Education, shall severally continue to hold their respective offices *until their successors are elected and qualified according to law.*

Sec. 9. The probate courts, the courts of justices of the peace, and all police courts, shall continue to exercise the jurisdiction and powers now conferred upon them respectively, until otherwise provided by law.

Sec. 10. It shall be the duty of the Legislature, at its first session after the adoption of this Constitution, to adapt the present laws to the provisions of this Constitution, so far as may be.

Sec. 11. The Attorney General and Judges of the Supreme Court are required to prepare and report to the Legislature, at the commencement of the next session, such changes and modifications in existing laws as may be deemed necessary to adapt the same to this Constitution, and as may be best calculated to carry into effect its provisions.

Sec. 12. Any territory attached, *or that may be attached to any county for judicial purposes*, if not otherwise represented, shall be considered as forming part of such county, so far as regards elections for the purpose of representation.

Sec. 13. This Constitution shall be submitted to the people for their adoption or rejection on the first Monday in April, in the year one thousand eight hundred and sixty-eight; and it shall be the duty of the Secretary of State, and all other offi-

cers required to give or publish any notice in regard to general elections, to give notice as provided by law in case of an election for Governor, that this Constitution has been duly submitted to the electors for their adoption or rejection on that day. *The elections in cities wherein there are no elections held annually in the month of April, shall be held and conducted, as near as may be, in the same manner as in the case of elections for Judges of the Supreme Court or Regents of the University.* Every newspaper within this State publishing, in the month of *January* next, this Constitution as submitted, shall receive, as a compensation therefor, the sum of twenty dollars, to be paid as the Legislature shall direct.

Sec. 14. Any person entitled to vote for members of the Legislature by the Constitution and laws now in force, shall, at the said election, be entitled to vote for the adoption or rejection of this Constitution, at the places and in the manner provided by law for the election of members of the Legislature.

Sec. 15. At the said election, a ballot box shall be kept by the several boards of inspectors of election for the receiving of votes cast for or against the adoption of this Constitution; and on the ballots shall be written or printed, or partly written and partly printed, the words, "Adoption of the Constitution—Yes;" or, "Adoption of the Constitution—No."

Sec. 16. The canvass of the votes cast for the adoption or rejection of this Constitution, and the returns thereof, shall be made by the proper returning officers, in the same manner as is now provided by law for the canvass and return of votes cast at an election for Regents of the State University, as near as may be, and the return thereof shall be directed to the Secretary of State. On the *first* day of *June* next, or within five days thereafter, the Auditor General, State Treasurer and Secretary of State, [or a majority of them,] shall meet at the Capitol, and proceed, in the presence of the Governor, to examine and canvass the returns of said votes, and proclamation shall forthwith be made by the Governor, of the result thereof. If it shall appear that a majority of the votes cast upon the question have thereon,

"Adoption of the Constitution—Yes," this Constitution shall be the supreme law of the State from and after the first day of July next; and any person declared an elector, and entitled to vote by Article III, of this Constitution, shall, from and after the said first day of July next, be entitled to vote at any election, in the same manner and subject to the same rules and regulations, as are now provided by law for electors in this State. But, if a majority of the votes cast upon the question, have thereon "Adoption of the Constitution—No," the same shall be null and void.

Sec. 17. *The Legislature shall have the power to increase or diminish the salaries of all officers provided for in the article entitled "Salaries," in this Constitution, by a vote of two-thirds of all the members elect to each House. All persons holding office under the present Constitution shall be entitled to the salaries provided for in this Constitution, from and after the time the same shall go into effect.*

Sec. 18. The Legislature at their first session, shall make such further provisions as may be necessary for the payment of all expenditures of the Convention, including the publication of this Constitution, as provided in this article.

Sec. 19. There shall be elected on the first Tuesday in March, in the year one thousand eight hundred and sixty-nine, and every eight years thereafter, one circuit judge for each judicial circuit, whose term of office shall commence on the first day of January thereafter. *There shall be elected at the same time two judges of the supreme court, one of whom shall be elected for the term of eight years, and one for the term of ten years, and every second year thereafter one judge of said court shall be elected. The terms of office of said judges shall commence on the first day of January following their election.*

Sec. 20. The State shall be divided into five judicial districts, and until otherwise provided by law, the counties of Wayne Monroe, Lenawee, Hillsdale, Branch and St. Joseph, shall constitute the first district; the counties of Kalamazoo, Washtenaw, Jackson, Cass, Berrien, Allegan, Van Buren, Calhoun and Eaton, shall constitute the second district; the counties of Ottawa, Muskegon,

Oceana, Mason, Leelanaw, Barry Grand Traverse, Antrim, Kent, Ionia, Clinton, Montcalm, Manistee, Nawaygo and Mecosta, with the territory attached thereto, shall constitute the third district; the counties of Shiawassee Ingham, Livingston, Genesee, Lapeer, Oakland, Macomb, St. Clair, Sanilac, Huron, Tuscola Saginaw, Midland, Gratiot, Isabella, Bay, Iosco and Alpena, with the territory attached thereto, shall constitute the fourth district; and the counties of Mackinaw, Cheboygan, Chippewa, Emmet, Manitou, Ontonagon, Marquette, Houghton, Keweenaw, Delta and Menominee, with the territory attached thereto, shall constitute the fifth district.

Sec. 21. The judicial districts shall be subdivided into circuits, successively numbered; and until otherwise provided by law the counties of Wayne and Monroe shall constitute the first circuit; the counties of Lenawee, Hillsdale, Branch and St. Joseph shall constitute the second circuit; the counties of Allegan, Van Buren, Cass, Kalamazoo and Berrien shall constitute the third circuit; the counties of Washtenaw, Jackson, Calhoun and Eaton shall constitute the fourth circuit; the counties of Muskegon, Oceana, Mason, Manistee, Leelanaw, Grand Traverse, Antrim, Nawaygo and Mecosta, with the territory attached thereto, shall constitute the fifth circuit; the counties of Barry, Clinton, Ionia, Kent, Montcalm and Ottawa, shall constitute the sixth circuit; the counties of Ingham, Shiawassee, Livingston, Genesee, Lapeer and Tuscola shall constitute the seventh circuit; the counties of Oakland, Macomb, St. Clair, Sanilac and Huron shall constitute the eighth circuit; the counties of Saginaw, Bay, Midland, Gratiot, Isabella, Iosco and Alpena, with the territory attached thereto, shall constitute the ninth circuit; the counties of Mackinaw, Chippewa, Cheboygan, Emmet and Manitou, with the territory attached thereto, shall constitute the tenth circuit; and the counties of Ontonagon, Houghton, Keweenaw, Marquette, Delta and Menominee, with the territory thereto attached, shall constitute the eleventh circuit. The Legislature shall not increase the number of circuits or the number of judges of the circuit courts, as fixed by this Constitution, until after the expiration of ten years from the time of its adoption.

Sec. 23. Until the next enumeration of inhabitants of this State in the year one thousand eight hundred and seventy, the counties of Newaygo and Oceana shall each be entitled to one representative; the county of Mecosta, with the territory thereunto attached, one representative; the county of Isabella, with the territory thereto attached, one representative; the county of Midland, with the territory thereto attached, one representative; the counties of Alpena and Iosco, and the territory thereto attached, one representative; the counties of Menominee and Delta, one representative; the counties of Mason and Manistee, and the territory thereto attached, one representative; the counties of Grand Traverse, Benzie and Antrim, and the territory thereto attached, one representative; and the counties of Leelanaw and Manitou, one representative.

On motion of Mr. Morton,

The resolution directing the State Printer to transmit certain documents to the members and officers of the Convention, was taken from the table.

On motion of Mr. Morton,

The resolution directing the State printer to transmit certain documents to the members and officers of the Convention, was taken from the table.

On motion of Mr. Morton,

The resolution was amended by directing the State Printer to send five copies to each member and officer, and one to each messenger;

The resolution, as amended, was then adopted.

Mr. Morton moved that the Secretary furnish the State Printer the several articles of the Constitution this evening, that the entire Constitution may be before us to-morrow;

Which was agreed to.

On motion of Mr. Ninde,

By unanimous consent, the last clause of section 1, of the article on "Salaries."

On motion of Mr. Blackman,

By unanimous consent, the committee on arrangement and

phraseology were authorized to transfer the substituted section No. 17 of the Schedule to the article entitled "Salaries," at the end of section 1, of said article.

On motion of Mr. Chapin,
The Convention adjourned.

SEVENTY-THIRD DAY.

Lansing, Wednesday, August 21, 1867.

The Convention was called to order by the President at 9 o'clock A. M.

Prayer by Rev. Mr. McIntire.

Roll called: a quorum present.

Mr. Birney asked and obtained leave of absence for the day.

Mr. Williams asked and obtained leave of absence for an indefinite time.

Mr. Lawrence asked and obtained leave of absence for the remainder of the session.

Mr. M. C. Watkins asked and obtained leave of absence for this afternoon.

Mr. Rafter asked and obtained leave of absence for this afternoon.

Mr. Holmes asked and obtained leave of absence for this afternoon.

Messrs. Winsor and Daniells asked and obtained leave of absence for this afternoon.

MOTIONS AND RESOLUTIONS.

On motion of Mr. Conger,

The article entitled "Legislative Department" was by unanimous consent, amended by inserting after the word "bill," in section 19, the words, "and joint resolution."

REPORTS OF STANDING COMMITTEES.

By the committee on arrangement and phraseology:

The committee on arrangement and phraseology, to whom was referred article —, "Schedule," respectfully report that they

have had the same under consideration, and have directed me to report that they have, as directed, transferred section 17 to the article upon "Salaries." They have also omitted, in section 19, all between the word "thereafter," in line five, and "elected," in line nine, recommending that the same be concurred in, and ask to be discharged from the further consideration of the subject.

T. NINDE, *Chairman.*

Report accepted and committee discharged.

Mr. Blackman asked unanimous consent to strike out the word "Constitution," where it first occurs in section 17, (which has been transferred to article on salaries,) and insert the word "article," in lieu thereof;

Which was not agreed to.

The recommendation of the committee was concurred in.

On motion of Mr. Luce,

The section was amended by striking out the word "Constitution," where it first occurs therein, and inserting the word "article" in place thereof.

The recommendation of the committee to strike out the clause preceding the last period of section 19, was not concurred in.

On motion of Mr. Mussey,

The rule was suspended, and the Schedule was placed on its final passage.

On motion of Mr. Pringle,

The arrangement of the counties composing the second judicial district, in section 19, was changed so as to read as follows: "Washtenaw, Jackson, Calhoun, Eaton, Kalamazoo, Allegan, Van Buren, Cass and Berrien."

The question recurring on the passage of the Schedule,

It was read a third time and passed, a majority of all the members elect voting therefor, by yeas and nays, as follows:

YEAS.

Mr. Aldrich,
Alexander,
Andrus,

Mr. Hazen,
Harris,
Henderson,

Mr. Sheldon,
Sawyer,
T. G. Smith,

| | | |
|------------|------------|-----------------|
| Bills, | Holt, | Stockwell, |
| Blackman, | Huston, | Stoughton, |
| Bradley, | Kenney, | Sutherland, |
| Brown, | Lamb, | Thompson, |
| Case, | Lawrence, | Turner, |
| Chapin, | Leach, | Tyler, |
| Chapman, | Longyear, | Uteley, |
| Coolidge, | Luce, | Van Valkenburg, |
| Conger, | McConnell, | Walker, |
| Corbin, | McKernan, | P. D. Warner, |
| Daniells, | Miller, | M. C. Watkins, |
| Desnoyers, | Murray, | F. C. Watkins, |
| Duncan, | Mussey, | Willard, |
| Duncombe, | Musgrave, | Winans, |
| Estee, | Pratt, | Winsor, |
| Farmer, | Pringle, | Withey, |
| Germain, | Rafter, | Woodhouse, |
| Giddings, | Root, | Yeomans, 63 |

NAYS.

| | | |
|-------------|-----------------|---------------|
| Mr. Barber, | Mr. McClelland, | Mr. Richmond, |
| Elliott, | Miles, | Shearer, |
| Hixson, | Ninde, | W. E. Warner, |
| Lovell, | Purcell, | President, 12 |

Mr. Huston moved that Mr. Elliott be excused from voting;
Which motion was lost.

Mr. Elliott then voted as recorded.

Mr. Uteley moved that Mr. Morton be excused from voting;
Which motion prevailed.

Mr. Chapin moved that Mr. Rafter be excused from voting;
Which motion did not prevail.

Mr. Rafter then voted as recorded.

The Schedule was then referred to the committee on arrangement and phraseology, for numerical arrangement.

Mr. Turner offered the following resolution;

Resolved, That the Assistant Secretaries be allowed one dollar a day, and the messenger boys fifty cents per day, in addition to the compensation already provided.

Mr. Bills moved to amend the resolution by inserting the word "Librarian," before the words "Assistant Secretaries."

Mr. Yeomans demanded the yeas and nays;

The demand was supported, and the amendment was adopted, the following being the vote thereon:

YEAS.

| | | |
|--------------|--------------|-----------------|
| Mr. Aldrich, | Mr. Hull, | Mr. Stoughton, |
| Bills, | Kenney, | Sutherland, |
| Case, | Longyear, | Turner, |
| Chapin, | McConnell, | Tyler, |
| Chapman, | McKernan, | Utley, |
| Coolidge, | Miles, | Van Valkenburg, |
| Conger, | Musgrave, | P. D. Warner, |
| Daniells, | Pratt, | F. C. Watkins, |
| Farmer, | Pringle, | Willard, |
| Giddings, | Purcell, | Winsor, |
| Henderson, | Shearer, | Withey, |
| Holt, | T. G. Smith, | Woodhouse, 36 |

NAYS.

| | | |
|-------------|-----------|----------------|
| Mr. Barber, | Mr. Lamb, | Mr. Root, |
| Blackman, | Lawrence, | Stockwell, |
| Brown, | Leach, | Thompson, |
| Desnoyers, | Lovell, | Walker, |
| Duncan, | Luce, | W. E. Warner, |
| Duncombe, | Murray, | M. C. Watkins, |
| Elliot, | Mussey, | Winans, |
| Estee, | Rafter, | Yeomans, |
| Germain, | Richmond, | President, |
| Hixson, | | 28 |

Mr. Daniells moved to amend the resolution by providing that the Librarian shall receive two dollars per day.

Mr. Thompson demanded the yeas and nays;

The demand was supported, and the amendment was not adopted, the following being the vote thereon:

YEAS.

| | | |
|-------------|--------------|-----------------|
| Mr. Burtch, | Mr. Huston, | Mr. Stoughton, |
| Chapin, | Longyear, | Sutherland, |
| Chapman, | McClelland, | Turner, |
| Coolidge, | McConnell, | Utley, |
| Conger, | McKernan, | Van Valkenburg, |
| Daniells, | Miles, | Willard, |
| Harris, | Mussey, | Winsor, |
| Holmes, | Musgrave, | Withey, |
| Holt, | Purcell, | Woodhouse, |
| Hull, | T. G. Smith, | 29 |

NAYS.

| | | |
|--------------|--------------|----------------|
| Mr. Aldrich, | Mr. Germain, | Mr. Pringle, |
| Alexander, | Giddings, | Rafter, |
| Barber, | Hazen, | Root, |
| Bills, | Hixson, | Shearer, |
| Blackman, | Kenney, | Sheldon, |
| Brown, | Lamb, | Stockwell, |
| Case, | Lawrence, | Thompson, |
| Corbin, | Lovell, | W. E. Warner, |
| Desnoyers, . | Luce, | M. C. Watkins, |
| Duncan, | Miller, | F. C. Watkins, |
| Duncombe, | Murray, | Winans, |
| Elliott, | Ninde, | Yeomans, |
| Estee, | Pratt, | President, |
| Farmer, | | |

40

Mr. Coolidge moved to excuse Mr. Withey from voting;

Which motion was lost.

Mr. Withey then voted as recorded.

Mr. McConnell moved that Mr. Sheldon be excused from voting;

Which motion was lost.

Mr. Sheldon then voted as recorded.

The question recurring on the resolution,

Mr. Giddings moved to strike out so much as relates to the messenger boys.

Mr. Utley demanded the yeas and nays;

The demand was supported, and the motion did not prevail, the following being the vote thereon:

YEAS.

| | | |
|----------------|--------------|---------------|
| Mr. Desnoyers, | Mr. Pringle, | Mr. Sheldon, |
| Hixson, | Purcell, | Stockwell, |
| Hull, | Richmond, | W. E. Warner, |
| Kenney, | | |

10

NAYS.

| | | |
|--------------|---------------|-----------------|
| Mr. Aldrich, | Mr. Giddings, | Mr. Stoughton, |
| Alexander, | Henderson, | Sutherland, |
| Barber, | Holt, | Thompson, |
| Bills, | Lawrence, | Turner, |
| Blackman, | Leach, | Utley, |
| Bradley, | Longyear, | Van Valkenburg, |
| Brown, | Lovell, | Walker, |
| Case, | Luce, | P. D. Warner, |

| | | |
|-----------|--------------|----------------|
| Chapman, | McKernan, | M. C. Watkins, |
| Coolidge, | Miles, | F. C. Watkins, |
| Conger, | Miller, | Willard, |
| Daniells, | Murray, | Winans, |
| Duncan, | Mussey, | Winsor, |
| Duncombe, | Musgrave, | Woodhouse, |
| Elliott, | Pratt, | Yeomans, |
| Estee, | Root, | President, |
| Germain, | T. G. Smith, | 50 |

Mr. W. E. Warner moved that Mr. Lovell be excused from voting;

Which motion was lost.

Mr. Lovell then voted as recorded.

The question then recurring on the adoption of the resolution,

Mr. W. E. Warner demanded the yeas and nays;

The demand was supported, and the resolution was not adopted, the following being the vote thereon:

YEAS.

| | | |
|--------------|--------------|----------------|
| Mr. Aldrich, | Mr. Hull, | Mr. Stoughton, |
| Bradley, | Huston, | Sutherland, |
| Chapman, | Kenney, | Turner, |
| Coolidge, | Longyear, | Utley, |
| Conger, | McKernan, | VanValkenburgh |
| Daniells, | Miles, | F. C. Watkins, |
| Giddings, | Musgrave, | Willard, |
| Harris, | Pratt, | Winsor, |
| Holt, | T. G. Smith, | Withey, |
| | | 27 |

NAYS.

| | | |
|----------------|-------------|----------------|
| Mr. Alexander, | Mr. Hixson, | Mr. Richmond, |
| Barber, | Lamb, | Root, |
| Bills, | Lawrence, | Shearer, |
| Blackman, | Leach, | Sheldon, |
| Brown, | Lovell, | Stockwell, |
| Case, | Luce, | Thompson, |
| Desnoyers, | McConnell, | Walker, |
| Duncan, | Miller, | P. D. Warner, |
| Duncombe, | Murray, | W. E. Warner, |
| Elliott, | Mussey, | M. C. Watkins, |
| Estee, | Pringle, | Winans, |
| Germain, | Purcell, | Yeomans, |
| Henderson, | | 37 |

Mr. Mussey offered the following resolution:

Resolved, That the Manual and documents received by this Convention, from the New York Constitutional Convention, be deposited on the Secretary's desk for distribution to the members.

Mr. Conger moved to lay the resolution on the table;

Which motion was lost.

Mr. Giddings moved that the resolution be indefinitely postponed;

Which motion did not prevail.

Mr. Alexander moved to amend the resolution by requesting those having such documents, to deliver them to those to whom they fell by allotment this morning;

Which motion was lost.

Mr. Walker moved to amend the resolution by providing that the books and papers be returned to the State Library.

On motion of Mr. Luce,

The resolution and amendment were laid on the table.

Mr. Morton offered the following resolution, which was adopted:

Resolved, That the Secretary of State forward five copies of the Debates and Journals, when bound, to each member and officer of the Convention, and one copy to each messenger; that 100 copies be retained in the State Library, and the remaining copies be distributed as directed by the Legislature.

The committee on printing, by unanimous consent, submitted the following report:

The committee on printing, to whom was referred resolutions relative to the preparation of an index to the debates of this Convention, respectfully report they have had the same under consideration, and have directed me to report for the action of this Convention the result of their inquiries.

The reporters of the Convention offer to do the work, as desired, for the sum of two hundred and fifty dollars.

The State Librarian offers to do the work equally well for two hundred and twenty-five dollars.

And without recommendation ask to be discharged from the further consideration of the subject.

L. T. HULL, *Chairman*.

Report accepted and laid on the table, and committee discharged.

Mr. Withey offered the following resolution:

Resolved, That the official reporters of this Convention be employed to prepare a complete and copious index of the debates of this Convention; also to arrange the Constitutions of this State of 1835, 1850 and 1867, for publication in parallel columns at the close of the second volume of debates, before the index; and that they be allowed the sum of two hundred and fifty dollars for this service.

Mr. Giddings moved to amend the resolution, so that the entire index shall be published in each volume of the debates;

Which was agreed to.

The resolution as amended was then adopted.

Mr. Alexander moved to take from the table the resolution offered by him on the 5th inst., relative to adjournment;

Which motion was lost.

On motion of Mr. P. D. Warner,

The Convention took a recess until 3 o'clock.

AFTERNOON SESSION.

3 o'clock P. M.

The Convention was called to order by the President.

Roll called: a quorum present.

Mr. Burtch, by unanimous consent, offered the following preamble and resolutions:

Whereas, The subject of finances is so intimately interwoven with the material, moral, intellectual, industrial and political growth of States and nations;

And whereas, All experience has shown, that the commercial, agricultural and mechanical interests, have not and cannot prosper without the benefits arising from credit;

And whereas, There is a sufficient amount of indebtedness on the part of the United States that might be the basis of credit, that by wise and prudent legislation might become a sure basis of credit; now therefore,

Resolved, That no system of finance will be as safe and convenient, as that of the national currency.

Resolved, That by an assumption of the national debt by the States, of the *pro rata* share of each, by the bonded security of State bonds, the State bonds being exchanged for the bonds of the United States, which bonds could be deposited with the government, in security for National currency.

Resolved, That the foregoing proposition would elevate the interest of the masses, and not that of the classes.

Resolved, That all suitable efforts should be made, in order to bring about so salutary and desirable an end.

On motion of Mr. Lovell,

The preamble and resolutions were made the special order for Wednesday next.

Mr. Van Valkenburgh offered the following resolution, which was adopted:

Resolved, That the Secretary be authorized to draw a certificate for the amount due the Clergy of Lansing, and present to the Rev. J. E. Weed, to be distributed among them respectively according to their services.

By unanimous consent, the special committee to whom was referred a resolution, relative to the annoyances and interruptions of the proceedings of the Convention by one of its members, submitted the following report:

The special committee to whom was referred the following preamble and resolutions:

Whereas, This Convention has been, from day to day, greatly annoyed and interrupted in its deliberations by the disorderly and incoherent remarks of one of its members; therefore,

Resolved, That it be referred to a committee of five, to ascertain and report what measures are necessary to protect the Convention from such annoyances and interruptions,

Respectfully report, that in the judgment of the committee, the case has not arisen since the passage of the resolution, which required a report on the part of the Convention to the means which it possessed to prevent interruptions of its business, that on this account the committee, have up to the present time, delayed its report, and now ask, in view of the improbability of any action being required, to be discharged from the further consideration of the subject.

SIMEON P. ROOT, *Chairman.*

Report accepted and committee discharged.

Mr. Morton offered the following resolution, which was adopted:

Resolved, That 50 copies of the debates and journals be deposited in the State library for inter-State exchanges under the direction of the librarian.

Mr. Giddings offered the following resolution, which was adopted:

Resolved, That when this Constitution shall be enrolled, it shall be signed by the President and Secretary of the Convention officially, and then by the members by counties as the same may be called by the Secretary; and that members now absent be requested and are hereby authorized to affix their signatures thereto whenever it may be convenient for them so to do.

Mr. Walker offered the following resolution:

Resolved, That when this Convention adjourns to-day it be to 8 o'clock to-morrow morning.

On motion of Mr. Barber,

The resolution was laid on the table.

On motion of Mr. Giddings,

The Convention took a recess until 7 o'clock.

EVENING SESSION.

7 o'clock P. M.

The Convention was called to order by the President.

Roll called: a quorum present.

Mr. Blackman, by unanimous consent, offered the following resolution:

Resolved, That the President and Secretary of this Convention be directed not to issue certificates to members for their per diem compensation for any time subsequent to the time when they were severally last in attendance, unless in cases where their absence has been occasioned by sickness.

On motion of Mr. Conger,

The resolution was laid on the table.

On motion of Mr Conger,

The Secretary proceeded to read the official copy of the Constitution.

Sec. 17 of the article entitled "Legislative Department," having been read,

Mr. Conger asked unanimous consent that it be amended by striking out the word "fifty," and inserting in lieu the word "forty,"

Which was objected to.

Section 31 of the article having been read,

On motion of Mr Pringle,

It was amended by unanimous consent, by adding to the word "session," at the end of the section, the letter "s."

Mr. Pringle asked that the article be further amended, by unanimous consent, by striking out the word "authorize," in the first line of section 27, and inserting in lieu, the word "empower;"

Which was objected to.

Mr. Burtch moved that the Convention adjourn;

Which motion was lost.

Mr. Conger asked that section 1 of the article entitled "Townships," be amended, by unanimous consent, by striking out of the third line the words, "not exceeding four constables, one overseer of highways for each highway district;"

Which was objected to.

Mr. Giddings moved a suspension of the rule;

Which motion was lost.

Mr. Luce moved to amend the section by striking out the words, "one overseer of highways for each highway district;"

Which was objected to.

Mr. Blackman moved that the section separately submitted to the people, providing for biennial sessions, be amended, by unanimous consent, by inserting the words, "in the year," after the word "January;"

Which was objected to.

On motion of Mr. Leach,

Section 17 of the Schedule was amended, by unanimous consent, by striking out the word "their," in the first line, and inserting in lieu the word "its."

On motion of Mr. Pringle,

The words, "of Article V," were, by unanimous consent, inserted after the word "Section," in line fifty-two, Section 21 of the Schedule.

On motion of Mr. Conger,

The section separately submitted, providing for biennial sessions of the Legislature, was, by unanimous consent, amended by inserting the words "in the year," after the word "January."

Mr. Willard moved that the Convention adjourn until 8 o'clock, to-morrow morning;

Which motion did not prevail.

The question being on the adoption of the Constitution as an entirety, by the Convention, it was adopted, the following being the vote thereon:

YEAS.

| | | |
|--------------|----------------|----------------|
| Mr. Aldrich, | Mr. Henderson, | Mr. Sawyer, |
| Alexander, | Holmes, | Sheldon, |
| Andrus, | Holt, | T. G. Smith, |
| Barber, | Hull, | Stockwell, |
| Bills, | Huston, | Stoughton, |
| Blackman, | Kenney, | Sutherland, |
| Bradley, | Leach, | Thompson, |
| Brown, | Longyear, | Turner, |
| Case, | Lovell, | Tyler, |
| Chapin, | Luce, | Utley, |
| Chapman, | McConnell, | VanValkenburgh |

Coolidge,
Conger,
Daniells,
Duncan,
Duncombe,
Estee,
Farmer,
Germain,
Harris,
Hazen,

McKernan,
Miles,
Miller,
Murray,
Mussey,
Musgrave,
Ninde,
Pratt,
Pringle,
Root,

Walker,
P. D. Warner,
M. C. Watkins,
F. C. Watkins,
Willard,
Withey,
Woodhouse,
Yeomans,
President,

62

NAYS.

Mr. Corbin,
Desnoyers,
Elliott,
Giddings,
Hixson,
Lamb,

Mr. Lawrence,
McClelland,
Morton,
Purcell,
Rafter,

Mr. Richmond,
Shearer,
W. A. Smith,
W. E. Warner,
Winans,

16

Mr. Turner moved that Mr. Winans be excused from voting;
Which motion did not prevail.

Mr. Winans then voted as recorded.

Mr. Pringle offered the following resolution, which was
adopted:

Resolved, That it be referred to the committee on arrangement and phraseology, to examine the Constitution which has been engrossed upon parchment, and to report before the close of the Convention a description of the erasures and interlineations.

Mr. Longyear asked and obtained leave of absence for the remainder of the session.

Mr. Alexander moved to adjourn until 8 o'clock to-morrow morning.

Mr. Farmer moved to amend the motion by striking out "8," and inserting "7½;"

Which was accepted.

The motion, as amended, then prevailed.

SEVENTY-FOURTH DAY.

Lansing, Thursday, August 22, 1867.

The Convention was called to order by the President, at 7½ o'clock A. M.

Prayer by Rev. Mr. McIntire.

Roll called: a quorum present.

Mr. Henderson asked and obtained leave to record his vote on the adoption of the Constitution as an entirety, by the Convention.

On motion of Mr. Leach,

Members now present, who were not present when the vote was taken on the Constitution, were permitted to record their votes thereon.

Mr. Chapin offered the following resolution:

Resolved, That each of the Assistant Secretaries of this Convention, be allowed and paid the sum of one dollar additional compensation for each day's attendance (and usual traveling fees,) at the sessions of this Convention;

On motion of Mr. Stockwell,

The resolution was laid on the table.

Mr. Blackman offered the following resolution, which was adopted:

Resolved, That the President and Secretary of this Convention be authorized and directed to issue certificates for the payment of persons employed to assist in enrolling the Constitution.

Mr. Burtch offered the following resolution:

Resolved, That the irrepressible conflict must continue until the rights of women are respected, and their slavery abolished.

On motion of Mr. Withey,

The resolution was laid on the table.

Mr. McKernan offered the following resolution:

Resolved, That the State Librarian be paid the sum of \$100 for his services during the session of the Convention.

On motion of Mr. Stockwell,

The resolution was laid on the table.

Mr. Alexander offered the following resolution, which was not adopted:

Resolved, That the chairman of each of the standing committees, together with the President of this Convention, (who shall be chairman,) are hereby constituted a committee to prepare an address to the people on the subject of the numerous and important changes in the Constitution we are about to submit to the electors of this State for their adoption.

Mr. McClelland offered the following resolution:

Resolved unanimously, That the thanks of this Convention be and they are hereby tendered to the Hon. Charles M. Crosswell, President of the Convention, for the able, dignified, and impartial manner in which he has presided over the deliberations of this body.

The resolution was unanimously adopted.

Mr. Yeomans offered the following resolution, which was adopted:

Resolved, That the thanks of this Convention be hereby tendered to the Secretary, Thomas H. Glenn, and to his assistants, G. H. M. Collier and T. P. Miles, for the faithfulness and ability with which they have discharged their duties.

Mr. Kenney offered the following resolution, which was adopted:

Resolved, That a vote of thanks are due, and are hereby tendered to the Sergeant-at-Arms, and his assistants for the prompt, efficient and gentlemanly manner in which they have discharged their duties.

Mr. Morton offered the following resolution, which was adopted:

Resolved, That the thanks of the Convention are hereby tendered to Messrs. Lord and Brown, for the prompt and accurate manner in which they have discharged their arduous duties as official Reporters.

Mr. Alexander offered the following resolution, which was adopted:

Resolved, That the thanks of the Convention be tendered to

the messenger boys for the faithful discharge of their duties, and for their amiable and courteous deportment.

Mr. Shearer offered the following resolution, which was adopted:

Resolved, That the very kind and friendly intercourse between all the officers and members of this Convention, will be cherished in lively recollection to the last period of life and memory.

Mr. Pratt offered the following resolution, which was adopted:

Resolved, That the thanks of this Convention be tendered to the clergymen of Lansing, who have opened our daily sessions with devotional exercises, for the able and faithful manner in which they have performed their duties.

Mr. Holt offered the following resolution, which was adopted:

Resolved, That the thanks of this Convention are due and hereby tendered to the citizens of Lansing for the numerous marks of kindness and attention received at their hands during the stay of this body in their midst.

Mr. Ninde, from the committee on arrangement and phraseology submitted, by unanimous consent, the following report:

The committee on arrangement and phraseology, to whom it was referred to examine the Constitution engrossed on parchment, and to report to the Convention a description of the erasures and interlineations therein, respectfully report that they have so examined the same, and find the following erasures and interlineations therein, namely:

In article two, in section seven, line six, the word "not," after the word "courts," written on an erasure.

In section ten, same article, line three, the words "or to seize any person," written on an erasure.

Article four. In section two, line two, the word "such" and the words "as are" erased.

Article five. In section two, line seven, the word "after," erased.

In same article, section twenty-four, line two, the word "statute," before the word "laws," interlined.

In line four, same section, before the word "jurisdiction," the word "for," written on an erasure.

In line five, section twenty-seven, before the word "exceed," the word "shall," interlined.

Article six. In section fourteen, line three, before the word "committee," the word "the" erased.

Article seven, line thirteen, section ten, the word "civil," erased, and the word "circuit," interlined.

In section seven, line three, after the word "residing," the word "therein," interlined.

In section fifteen, line three, after the word "any," the word "other," interlined.

Article thirteen, section one, line six, before the word "excused," the word "be," interlined.

Article fourteen, section four, line five, after the word "shall," the word "happen," interlined.

In section nine, in lines two and three, the words "to which," erased.

Article eighteen, section one, line three, the word "shall," written on an erasure.

Article nineteen, section four, line four, the word "be," written on an erasure.

In the Schedule, section three, line three, before the word "State," the words "use of the," erased.

In section seventeen, line one, the word "their," erased, and the word "its," interlined.

In section eighteen, lines six and seven, the words "the term of," written on an erasure.

In section twenty-one, line twenty-five, the words "in the year," interlined after the word "January."

In line forty-five, same section, the word "five," written on an erasure.

In same section, line fifty-two, the word "three," erased, and the word "four," interlined.

In line fifty-two, same section, the words "of article V," interlined, after the word "section."

In same line, the word "three" erased, and the word "four," interlined.

In line fifty-three, same section, the Roman numerals "XXXIII," changed to "XXXIII."

T. NINDE, *Chairman.*

The report was accepted and laid on the table, and the committee discharged.

Mr. Van Valkenburgh moved that the Convention adjourn *sine die*;

Which motion prevailed.

Before the announcement of the vote, the following proceedings took place:

MR. VAN VALKENBURGH. Mr. President, it is with a burdened heart that I rise to address a few words to you, sir, and to the members of this Convention. The thought of our speedy separation, probably for the last time on earth, notwithstanding the anticipated joys of home, sends to my heart a pang of regret, which many of you can appreciate.

When solicited to become a candidate for a seat in this Convention, and when elected to this position, I looked forward to it with great solicitude, as a scene of labor and of toil, with little expectation of the happiness I have here enjoyed in the social converse with kindred spirits, who have cheered me in the weary hours, calmed the troubled emotions, rendered the labor a pleasure, and cast the bright rays of sunlight over all this long and otherwise tedious session. I have before remarked that I had never, in my long life, seen a body of men so dignified, so intelligent, so courteous. And I now add, that I think there have been few instances in the history of all the past, in the ecclesiastical, political or social relations of life, where a body of men so large as this body, with interests so diversified, so extensive, and so important to adjust, with views and feelings so varied and so conflicting, gathered here from remote and distant localities of our State, with exacting con-

stituencies, urgent that their views and their interests be consulted—in my opinion few such bodies of men so situated have ever convened, anywhere, under any circumstances, that have settled the vexed and important questions which brought them together with more wisdom, more cordiality, and more unanimity than this Convention.

The kind and Christian spirit which has characterized all our counsels, the deference for the opinion of our colleagues, and the manifest desire on all hands to promote the public welfare, must have been evident to every unprejudiced observer. Nay, sir, I most sincerely believe that every member of this Convention has been actuated by an honest and ardent desire to perfect a Constitution that shall transmit to our posterity the inestimable blessings of “life, liberty and pursuit of happiness,” which we now so eminently enjoy; that our beautiful Peninsular State may retain the high rank she now holds among her sister States. To me, sir, instead of being a season of unremitted toil, and labor, and perplexity, as I anticipated, it has indeed been “a feast of fat things,”—a scene of solicitude indeed, but cheered by the counsels and sympathy and coöperation of men whose names are written on my heart, and whose memories will be cherished to my last dying day. I shall ever recall the memories of these days with unspeakable pleasure, and retain in constant verdure the kind attentions and genial courtesies extended to me by every member upon this floor.

In contrasting the sanitary condition of the Convention of 1850 with this Convention, I have been deeply impressed with our increased obligations of gratitude to God, for the vigorous health enjoyed by most of the members of this Convention. During its entire session, but two cases have occurred, to my knowledge, where delegates have been prevented from occupying their seats here for any length of time, and those delegates have now entirely recovered. In 1850 there was constant sickness among the members of the Convention, some confined to their beds here, and others at their homes; indeed, the air appeared impregnated with a malaria that few escaped. Now

health, cheerfulness, and joy have abounded, the happy greeting has daily met us on every side.

In one providence I have noticed a striking coincidence in 1850 and at this session. An honored and respected member of the Convention of 1850, now a delegate here, was suddenly summoned to his home to perform the right of sepulture to a dear son, taken away in the dew of his youth. He had our most sincere sympathy and condolence. During our present session, a venerable and honored member of our body, also a delegate in the Convention of 1850, was suddenly called from his labors here to perform the last sad office of affection to an idolized daughter, in his own language to me, "the light and joy of his house." With one other exception, I know not that any have been called to mourn the death of friends.

In the Constitutional Convention of 1835, there were 89 members, of whom 20 are now living; two of whom have seats in this Convention, Governor McCLELLAND, and BELA CHAPMAN. The population of our State was then 100,000. In the Convention of 1850 there were 100 members; of whom more than one-fourth have passed away; while eight of their number are members of this Convention. In the kind providence of God I still remain among you.

Much of the success, and the happy termination of our labors, is owing to the diligent, the patient, the prompt and the impartial manner in which you, sir, have discharged the arduous duties of your office. And we shall ever remember you with profound respect and esteem. The Secretaries of our Convention are also entitled to our high regard for their unremitting diligence and perseverance in the discharge of their onerous labors. And we are proud to know that the correctness and fidelity with which our gentlemanly reporters have discharged their mission, will be a matter of record in all the future, and needs no commendation at our hands; we fully endorse their ability, and wish them God speed. And what shall we say more? Our diligent, faithful and attentive Sergeant-at-Arms, with his ever watchful assistants, have won

for themselves golden opinions from the members of this Convention, and will be remembered by us with high regard. Our Postmaster has transmitted faithfully and frequently the messages of love from our cherished homes, and discharged his duties to the universal satisfaction. Long may he prosper. To the kind and courteous reporters for the public press we are much indebted, for their forbearance to our indiscretions and our follies. And our messenger boys, like the guardian angels, have watched and anticipated our wishes, and obeyed our calls, with the fleetness of the antelope; we shall remember them with deep interest, and watch their future with great solicitude and with high hopes. I shall especially remember them each, and all of them, as I shall frequently look upon their amiable countenances, grouped together, in the beautiful photograph with which they have presented me; and I shall send up a mental prayer that God will watch over them, guide them safely through the intricate mazes of this life, and at last crown them His.

Indeed, Mr. President, I think we may challenge the world to produce a body of men as large as this body, with all its appointments, who have discharged their duties more faithfully, harmoniously, and successfully than this Convention. Permit me, sir, to assure the members of this Convention, one and all, of my high personal regard, and extend to them a cordial invitation to visit me, with an assurance of the great pleasure it would afford me to welcome them to my home and my fireside, that we may together recall the memories of these days which have passed so swiftly and so happily away.

And now, before I close, permit me, sir, to make a suggestion which I know will find a ready response in the breast of every delegate on this floor; that is, before our final adjournment, before the President shall dissolve this Convention, that we unite our voices in singing the Doxology, in the tune of Old Hundred, an appropriate act of worship and of praise to our God, the Almighty Governor of the Universe, and the Disposer of all events, for His kind care over us these many days now.

past, and for the happy result to which He has brought our labors.

Mr. SHEARER. I endorse most heartily and cordially the high and noble sentiments of the gentleman from Oakland, (Mr. Van Valkenburgh.) May his days be long in the land, and when he goes down to his last resting place, may he go down like a shock of corn fully ripe. Gentlemen of this Convention, I thank you all for your courtesy and kindness to me at all times. Probably we shall never all meet again. But I should be glad at any time to see any of you at my house in Plymouth, and I will endeavor to make your stay with me a pleasant one.

The PRESIDENT. The gentleman from Kalamazoo, Rev. Mr. Bradley, will now perform the closing religious exercises of this Convention.

Mr. BRADLEY. Mr. President and gentlemen of the Convention, I regard it as a privilege and an honor to engage in the services to which you have referred. I am not insensible to the solemnities of the hour. Our work is done. In the care of our Heavenly Father, health and life have been preserved. We go out from this Hall to our homes; the people will judge of our work and pass their verdict upon it. Our constituents are a Christian people, and they will regard with approbation our recognition of religious obligations. For the hundred days of our sessions, we have bowed at the altar, seeking wisdom from above. It is now our privilege to commend ourselves to His guidance and keeping for all our future. For me, personally, it has been a rare opportunity to be associated with this body of noble men; men who will ever be true to the State and to God. I thank you, Mr. President, and the members of the Convention, for your uniform kindness towards me, coming as I did from a profession not generally represented in such bodies. This is the farewell hour. Hereafter, Christianity shall be our life, and the life of our commonwealth. As we pass on and close up our earthly course, at noon, or late in the evening of life, may we have the consciousness of the Divine approval, in the testimony of a good conscience.

Mr. BRADLEY, then come forward to the desk of the President, and read the following passages of Scripture:

They that trust the Lord shall be as Mount Zion, which cannot be removed, but abideth forever.

As the mountains are round about Jerusalem, so the Lord is round about his people, from henceforth, even forever.

* * * * *

Behold how good and pleasant it is for brethren to dwell together in unity.

* * * * *

Rejoice evermore.

Pray without ceasing.

In everything give thanks; for this is the will of God in Christ Jesus concerning you.

Quench not the Spirit.

Despise not prophesyings.

Prove all things; hold fast that which is good.

Abstain from all appearance of evil.

And the very God of peace sanctify you wholly; and pray God your whole spirit, and soul, and body, be preserved blameless unto the coming of our Lord Jesus Christ.

Faithful is he that calleth you, who also will do it.

Brethren, pray for us.

Prayer by Mr. BRADLEY, as follows:

Our Heavenly Father, we bow in Thy presence, on this solemn farewell occasion. Now, as we close the sessions of this Convention, we desire to praise Thy holy name for Thy kindness unto us in the days in which we have been engaged in our work here. We thank Thee that Thou hast regarded us in tender compassion, preserving our health, giving unto us strength and wisdom from above, ordering our steps, and ordering in regard to our work, so that we have been enabled to reach the conclusion of it so unitedly, with so little controversy, and no ill feeling in any heart.

And now, Heavenly Father, as we go out to our homes, as we enter again upon our ordinary duties and occupations, we

pray that Thou wouldst go with us, with Thy sheltering, overruling and guiding care. We pray that Thou wouldst be with us now in the toils and burdens of life, in our further anxieties; and if we are bowed down hereafter under any trial or disappointment, wilt Thou sustain and uphold us by Thy power, and by the manifestation of Thy grace.

We pray that Thy presence may now rest upon every member of this Convention; that Thou wilt spare them, as shall be for Thy pleasure and Thy glory; that Thou wouldst watch over their families and kindred, and prepare them all for Thy will, for the responsibilities of life, for the privileges that shall be granted to them, and for the enjoyment of all their opportunities. We pray that Thou wouldst so order that Thy name may be honored by us all; that when we act as citizens, we may act as Christian citizens, in all the circumstances of life in which we may be placed.

We thank Thee, Heavenly Father, for the good fellowship which has prevailed in this Convention, for the kindness which has been manifested by the members towards each other.

And now, though we desire to go, yet we regret to part, and we pray that a parting blessing may be given unto us by our Father above.

And we ask Thy blessing, Heavenly Father, upon our constituents, the citizens of this commonwealth, that they may receive the work of our hands, and approve of it, so far as it deserves their approbation, and that they may sustain it as electors and as citizens; that, under this Constitution which has now been framed, this State may become more and more prosperous, in all its material, its educational, and its religious interests.

And, Heavenly Father, wilt Thou watch over each member here; wilt Thou watch over all our families; watch over our commonwealth in all its various interests. Prosper us in all our ways, in all our institutions, in our future legislation, and in everything connected with the growth, integrity, strength, and prosperity of our people.

We pray, Heavenly Father, that we may build upon sure foundations; that we may receive the principles of Christianity as giving life to the individual, and life to the commonwealth, and thus prepare us to honor God as our Creator, prepare us to honor Christ as our Savior, and the Holy Spirit as our Sanctifier. And finally, when our earthly work is done, and we are called to pass over the river, wilt Thou receive us among Thy people in a purer and holier life, for Jesus' sake. Amen

The members of the Convention then rose to their feet, and united in singing, to the tune of "Old Hundred," the words—

" Praise God, from whom all blessings flow,
Praise Him all creatures here below;
Praise Him above, ye Heavenly Host;
Praise Father, Son and Holy Ghost."

The President then addressed the Convention as follows:

GENTLEMEN OF THE CONVENTION—As I am soon to pronounce the words that dissolve our official relations, I should be dead to all feeling did I not avail myself of this opportunity to express my profound gratitude and thanks for the invariable kindness extended to me by every member of the Convention during the time that I have occupied this Chair. If my humble endeavors to well and faithfully discharge the duties of this trust, have in any measure proved a success, I am not insensible to the fact that it is largely due to your forbearance, coöperation and generous support. With sincere satisfaction, I congratulate you upon the good order and harmony that have characterized your proceedings, and marked your intercourse with each other. With honest differences of opinion, strong convictions, and spirited debates, your discussions have not been marred by unkind words, offensive personal allusions, or bitter feuds. As you break up these associations, and turn your steps toward home and the loved ones there, you will bear with you the pleasant reflection that however you may have differed, politically or otherwise, you have disagreed in kindness and parted in friendship.

While I bear witness to the faithfulness, industry and zeal,

with which you have discharged the responsible duties devolved upon you at this oppressive season of the year, I cannot be satisfied without expressing my commendation of the work you have accomplished. In framing a Constitution, settling questions affecting great interests, it cannot reasonably be expected that the work will in every respect be acceptable to all. I do not claim that your labors have resulted in the formation of a perfect instrument; but I cheerfully declare, that in my judgment, the Constitution you are now about to submit to the intelligent people of this State for their ratification, taken as a whole, is a decided improvement upon the Constitution now in force. As far as seemed practicable, you have preserved the form and language of the existing Constitution. Innovation is not always improvement, nor is change synonymous with excellence. Enlightened reason and the stability of our institutions demand that fundamental provisions of the organic law which have proved satisfactory and become settled and understood by a course of judicial decisions, should not be disturbed for light and transient causes. But the circumstances of the State, and the spirit and improvements of the age have demanded changes. Since the Constitution of 1850 was adopted, the State has more than doubled in population. Its wealth has increased five-fold. By the energy and enterprise of its people, it has become great in material value, while its humane institutions, its University, first at the West and rivaling the foremost at the East, its model schools and school system, and its numerous churches, bespeak the advancement in all that elevates and ennobles man. With freedom of thought and freedom of labor, with active brains and loyal hearts, truly the State has grown into majestic proportions, and now presents one of the grandest developments of progress in the history of the nation. Although in her youth, she has demanded that her Constitution be pruned and the dead branches removed, that she may have still more capacity for improvement and growth.

To you this important and responsible work has been assigned. I believe that a satisfied constituency will pronounce it well done.

Time will not permit me to refer to all the changes you have made. I will speak of but one. We have recently witnessed the sublime spectacle of millions rising in arms to put down treason and rebellion. The ground has shook with the tread of mighty armies. Freedom and oppression marshaled their forces and struggled for the mastery of a continent. The loyal North, pouring upon the South like an avalanche, vindicated the integrity of the Republic, planted its banner in triumph over every inch of its soil, and through victory secured peace. In this contest Michigan bore an honorable part. When the first alarm sounded, her sons rushed to the rescue. On many a hard fought field they exemplified their valor, and proved that the leaping blood of the fathers had not curdled in the veins of the sons. Some came home maimed and wounded. Such there are here to-day, members of this Convention, bearing on their bodies honorable scars that attest their patriotism and valor. Others pined and starved in gloomy prisons under a treatment worse than the barbarity of the savages, while others on bloody battle-fields "sleep the sleep that knows no waking." The memory of their heroic deeds, the lessons of this terrible war, all the blood and treasure that it has cost us remind us that the safety of a State lies in a strict adherence to righteousness and justice. That nation that perpetuates oppression shall perish from the earth. From their graves our illustrious dead appeal to us to destroy every foot-print of caste, to annihilate every vestige of that great wrong that has disturbed the peace and threatened the existence and perpetuity of the nation, to re-assert the principle of the Declaration of Independence, the brotherhood of man, and to re-organize the State upon the granite basis of equal rights and equal justice for all. With the new Constitution sanctioned by the people, this much desired work will be accomplished. The wrongs of prejudice and caste will be swept from every section of our laws, and throughout this grand commonwealth never more shall man be deprived of the rights of manhood by reason of class, color or creed.

As we prepare to take leave of each other, I am reminded

that in the ordinary course of human events, we shall all probably never meet again. In this State two Constitutional Conventions have preceded this one. Members of each, full of honor and years, are associated with us. Their long experience, their words of true wisdom, have contributed greatly to guide us to correct conclusions. Many of their former associates have passed within the veil. Long may they be spared to witness the prosperity and share the blessings of a State they have helped to create. Inspired anew with love of country, of justice and truth, may we all go from this Hall firmly determined that our efforts shall promote the right, and ever tend to advance the public good.

Gentlemen, from the bottom of my heart I thank you for all your kindness. Health, happiness, prosperity, attend you. I wish you a speedy and safe return to your families and friends. I pray that He who holds us all in the hollow of His hand, through whose goodness we have been kept during our session from severe sickness or death, may preserve your lives, and lead you in ways of pleasantness and paths of peace. I have only now to pronounce the Constitutional Convention of 1867 adjourned without day.

The following is a correct copy of the Constitution:

PREAMBLE.

We, the people of the State of Michigan, grateful to Almighty God, the Sovereign Ruler of nations, for civil and religious liberty, and acknowledging our dependence upon Him for the continuance thereof, do ordain and establish the following Constitution:

ARTICLE I.

BOUNDARIES AND SEAT OF GOVERNMENT.

SECTION 1. The State of Michigan is bounded as follows, to wit: Commencing at a point on the eastern boundary line of the State of Indiana, where a direct line drawn from the southern extremity of Lake Michigan to the most northerly cape of the

Maumee Bay, shall intersect the same, said point being the north-west corner of the State of Ohio, as established by an act of Congress entitled, "An act to establish the northern boundary line of the State of Ohio, and to provide for the admission of the State of Michigan into the Union upon the conditions therein expressed," approved June fifteenth, one thousand eight hundred and thirty-six; thence with the said boundary line of the State of Ohio till it intersects the boundary line between the United States and Canada, in Lake Erie; thence with the said boundary line between the United States and Canada through the Detroit river, Lake St. Clair, the St. Clair river, Lake Huron, the St. Mary's river and Lake Superior, to a point where the said line last touches Lake Superior; thence in a direct line through Lake Superior to the mouth of the Montreal river; thence through the middle of the main channel of the said Montreal river to the head waters thereof, as marked upon the survey made by Captain Cramm, by authority of the United States; thence in a direct line to the center of the channel between Middle and South Islands, in the Lake of the Desert; thence in a direct line to the southern shore of Lake Brule; thence along said southern shore and down the Brule river to the main channel of the Menominee river; thence down the center of the main channel of the same to the center of the most usual ship channel of the Green Bay, of Lake Michigan; thence through the center of the most usual channel of the said bay to the middle of Lake Michigan; thence through the middle of Lake Michigan to the northern boundary of the State of Indiana, as that line was established by the act of Congress, of the nineteenth of April, eighteen hundred and sixteen; thence due east with the north boundary line of the said State of Indiana to the northeast corner thereof; and thence south with the eastern boundary line of Indiana to the place of beginning.

Sec. 2. The seat of government shall remain at] Lansing.

ARTICE II.

BILL OF RIGHTS.

SECTION 1. All political power is inherent in the people. Government is instituted for the protection, security and benefit of the people; and they have the right to alter or reform the same whenever the public good may require it.

Sec. 2. Every person shall be at liberty to worship God according to the dictates of his own conscience. No person shall be compelled to attend, erect or support any place of religious worship, or pay tithes, taxes or other rates, for the support of any minister of the gospel, or teacher of religion.

Sec. 3. The civil and religious rights, privileges and capacities of no person shall be diminished or enlarged, on account of his opinions or belief concerning matters of religion.

Sec. 4. Every person may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press. In all prosecutions for libels, the truth may be given in evidence to the jury, and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact.

Sec. 5. No bill of attainder or ex post facto law, or law impairing the obligation of contracts shall be passed.

Sec. 6. The privilege of the writ of habeas corpus remains, and shall not be suspended unless in case of rebellion or invasion, the public safety may require it.

Sec. 7. The right of trial by jury shall remain, but shall be deemed to be waived in all civil cases, unless demanded by one of the parties in such manner as shall be prescribed by law. The Legislature may authorize, in all civil and criminal cases, a trial by jury of a less number than twelve men, in all courts not of record.

Sec. 8. In every criminal prosecution, the accused shall have the right to a speedy and public trial by an impartial jury, to

be informed of the accusation, to be confronted with witnesses against him, to have compulsory process for obtaining witnesses in his favor, and have the assistance of counsel for his defense.

Sec. 9. Any suitor in any court in this State shall have the right to prosecute or defend his suit, either in his own proper person, or by an attorney of his choice.

Sec. 10. The persons, houses, papers and possessions of every person shall be secure from unreasonable searches and seizure. No warrant to search any place, or to seize any person or thing, shall issue without describing them, nor without probable cause, supported by oath or affirmation.

Sec. 11. No person, after acquittal upon the merits, shall be tried for the same offense. All persons shall, before conviction, be bailable by sufficient sureties, except for murder and treason, when the proof is evident or the presumption great.

Sec. 12. Treason against the State shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless upon the testimony of two witnesses to the same overt act, or on confession in open court.

Sec. 13. Excessive bail shall not be required, excessive fines shall not be imposed, cruel or unusual punishments shall not be inflicted, nor shall witnesses be unreasonably detained.

Sec. 14. No person shall be compelled, in any criminal case, to be a witness against himself, or be deprived of life, liberty or property, without due process of law.

Sec. 15. No person shall be imprisoned for debt arising out of or founded on contract, express or implied, except in case of fraud, or breach of trust, or of promise to marry, or of moneys collected by public officers, or in any professional employment. No person shall be imprisoned for a military fine in time of peace.

Sec. 16. Every person has a right to bear arms for the common defense.

Sec. 17. The military shall be in strict subordination to the civil power.

Sec. 18. No soldier shall in time of peace, be quartered in any house without the consent of the owner or occupant, nor in time of war, except in a manner prescribed by law.

Sec. 19. The people have the right peaceably to assemble together, to consult for the common good, to instruct their Representatives, and to petition the Legislature for redress of grievances.

Sec. 20. Neither slavery nor involuntary servitude, unless for the punishment of crime, shall ever be tolerated in this State.

Sec. 21. Aliens who are, or may hereafter become *bona fide* residents of this State, shall enjoy the same rights in respect to the possession, enjoyment and inheritance of property as native born citizens.

Sec. 22. Private property shall not be taken for public use without compensation.

ARTICLE III.

ELECTIVE FRANCHISE.

SECTION 1. In all elections every person of the age of twenty-one years, who shall have resided in this State three months, and in the township or ward in which he offers to vote ten days next preceding an election, belonging to either of the following classes, shall be an elector and entitled to vote:

First. Every male citizen of the United States.

Second. Every male inhabitant of this State, who shall have resided in the United States two years and six months, and declared his intention to become a citizen of the United States, pursuant to the laws thereof, six months preceding an election.

Third. Every male inhabitant residing in this State on the twenty-fourth day of June, one thousand eight hundred and thirty-five.

Sec. 2. In time of war, insurrection or rebellion, the right to vote at such place and in such manner as shall be prescribed by law, shall be enjoyed by all persons otherwise entitled thereto,

who may be in the actual military or naval service of the United States, or of this State: *Provided*, Their votes shall be made to apply to the township or ward in which they are residents.

Sec. 3. All elections shall be by ballot, except of such township officers as may be authorized by law to be otherwise chosen.

Sec. 4. Every elector, in all cases except treason, felony, misdemeanor or breach of the peace, shall be privileged from arrest during his attendance at election, and in going to and returning from the same.

Sec. 5. No elector shall be obliged to attend court as a suitor or witness on the day of election, or to do military duty thereon except in time of war or public danger.

Sec. 6. No elector shall be deemed to have gained or lost his residence by reason of absence therefrom in the service of the United States or of this State, nor while engaged in the navigation of the waters of this State or of the United States, or of the high seas, nor while a student at any seminary of learning, nor while kept at any alms-house or other asylum at public expense, nor while confined in any public prison.

Sec. 7. Laws may be passed to preserve the purity of elections, and guard against the abuses of the elective franchise.

Sec. 8. No soldier, seaman or marine in the army or navy of the United States shall be deemed a resident of this State, in consequence of being stationed in any military or naval place within the same.

Sec. 9. No idiot or insane person shall be entitled to the privileges of an elector.

Sec. 10. Any inhabitant of this State, who may be hereafter engaged in a duel, shall be disqualified from holding any office and from voting at any election.

Sec. 11. The Legislature may authorize townships to hold their elections within the corporate limits of adjoining cities.

ARTICLE IV.

DIVISION OF THE POWERS OF GOVERNMENT.

SECTION 1. The powers of government are divided into three departments: Legislative, Executive and Judicial.

Sec. 2. Neither department shall ever exercise the powers belonging to another, except in cases expressly provided for in this Constitution.

ARTICLE V.

LEGISLATIVE DEPARTMENT.

SECTION 1. The legislative power is vested in a Senate and House of Representatives.

Sec. 2. The Senate shall consist of thirty-two members. But after the year 1870, the Legislature may increase the number to thirty-three, by authorizing the election of two Senators in that portion of the State now included within the limits of the Thirty-Second Senatorial District. Senators shall be elected for four years, and by single districts. At the first election after the adoption of this Constitution, Senators in the odd numbered districts shall be elected for two years, and in the even numbered districts for four years. Such districts shall be numbered from one to thirty-three inclusive, each of which shall choose one Senator. No county shall be divided in the formation of Senate districts, unless such county shall be equitably entitled to two or more Senators.

Sec. 3. The House of Representatives shall consist of not more than one hundred and ten members. Representatives shall be chosen for two years, and by single districts. Each representative district shall contain, as nearly as may be, an equal number of inhabitants, and shall consist of convenient and contiguous territory; but every organized county containing a population of not less than four thousand, and every two or more contiguous organized counties, containing a like population, shall constitute a representative district, and be entitled to one Representative. In every county entitled to more than one Representative, the board of supervisors shall assemble at such time and place as

may be provided by law, and divide the same into representative districts, equal to the number of Representatives to which such county is entitled by law, and shall cause to be filed in the offices of the Secretary of State and clerk of such county, a description of such representative districts, specifying the number of each district, and the population thereof, according to the last enumeration.

Sec. 4. The Legislature shall provide by law for an enumeration of the inhabitants in the year eighteen hundred and seventy-five, and every ten years thereafter; and at the first session after each enumeration so made, and also at the first session after each enumeration by the authority of the United States, the Legislature shall re-arrange the Senate districts, and apportion anew the Representatives among the counties and districts, according to the number of inhabitants. But no re-arrangement of Senate districts shall vacate the seat of any Senator. Each apportionment, and the division into representative districts by any board of supervisors, shall remain unaltered until the return of another enumeration.

Sec. 5. Every Senator and Representative shall be a citizen of the United States, and a qualified elector of the district he represents. A removal from his district shall be deemed a vacation of his office. No Senator or Representative shall, during the time for which he may have been elected, be eligible to any office, which shall have been created, or the emoluments of which shall have been increased by the Legislature during such term; nor shall he be interested, directly or indirectly, in any contract with the State, or any county thereof, authorized by any law passed during said term.

Sec. 6. No person holding any elective State office, except that of regent of the University, or member of the board of Education, and no person holding the office of probate judge, county clerk, register of deeds, county treasurer, sheriff, county superintendent of schools, prosecuting attorney, or any office to which he was appointed by the President of the United States, by and with the advice and consent of the Senate, shall be

allowed to take or hold a seat in either House of the Legislature.

Sec. 7. Senators and Representatives shall not be subject to any civil process during the session of the Legislature, or for fifteen days next before the commencement and after the termination of each session; they shall not be questioned in any other place for any speech in either House.

Sec. 8.

Sec. 9. Each House shall choose its own officers, except as otherwise provided in this Constitution; determine the rules of its proceedings, and judge of the qualifications, elections and returns of its members, and may, with the concurrence of two-thirds of all the members elected, expel a member. The reasons for such expulsion shall be entered upon the journal, with the names of the members voting on the question. No member shall be expelled a second time for the same cause; nor for any cause known to his constituents antecedent to his election.

Sec. 10. A majority of each House shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and compel the attendance of absent members, in such manner and under such penalties as each House may prescribe.

Sec. 11. The compensation of the members of the Legislature during the session thereof, shall be four dollars per day, for actual attendance. When convened in extra session they shall legislate on no other subjects than those expressly stated in the Governor's proclamation, or submitted to them by special message. They shall be entitled to ten cents, and no more, for every mile actually traveled, going to and returning from the place of meeting, on the usually traveled route, and for stationery, postage and newspapers not exceeding fifteen dollars for each member during any session. Each member shall be entitled to one copy of the laws, journals and documents of the Legislature of which

he was a member; but shall not receive at the expense of the State, books, newspapers, or other perquisites of office, not expressly authorized by this Constitution.

Sec. 12. The President of the Senate and the Speaker of the House of Representatives shall each be entitled to six dollars per diem compensation, and the same mileage as members of the Legislature, and no more.

Sec. 13. In case of a contested election, each House shall determine the amount of per diem compensation and mileage to be received by each contestant, but the per diem compensation allowed to both parties, shall not exceed the sum of four dollars per day.

Sec. 14. Each House shall keep a journal of its proceedings, and publish the same, except such parts as may require secrecy. The yeas and nays of the members of either House on any question shall be taken at the request of one-fifth of the members elected. Any member of either House may dissent from and protest against any act, proceeding or resolution which he may deem injurious to any person or the public, and have the reason of his dissent entered on the journal.

Sec. 15. In all elections by either House, or in joint convention, the votes shall be given *viva voce*. All votes on nominations to the Senate shall be taken by yeas and nays, and published with the journal of its proceedings.

Sec. 16. The doors of each House shall be open, unless the public welfare require secrecy. Neither House shall, without the consent of the other, adjourn for more than three days, nor to any other place than where the Legislature may then be in session.

Sec. 17. Bills may originate in either House of the Legislature; but no new bill, except by a vote of two-thirds of the members elect, shall be introduced after the first fifty days of a session shall have expired.

Sec. 18. Every bill and joint resolution passed by the Legislature, shall be presented to the Governor before it becomes a law. If he approves he shall sign it; but if not, he shall return

it with his objections, to the House in which it originated, which shall enter the objections at large upon its journal and reconsider it. On such reconsideration, if two-thirds of the members elected agree to pass the bill, it shall be sent with the objections to the other House, by which it shall be reconsidered. If approved by two-thirds of the members elected to that House, it shall become a law. In such case the vote of both Houses shall be determined by yeas and nays, and the names of the members voting for and against the bill shall be entered on the journals of each House respectively. If any bill be not returned by the Governor within ten days, (Sundays excepted,) after it has been presented to him, the same shall become a law in like manner as if he had signed it, unless the Legislature, by their adjournment, prevent its return; in which case it shall not become a law. The Governor may approve, sign, and file in the office of the Secretary of State, within five days after the adjournment of the Legislature, any act passed during the last five days of the session, and the same shall become a law.

Sec. 19. Every bill and joint resolution shall be read three times in each House before the final passage thereof. No bill or joint resolution shall become a law without the concurrence of a majority of all the members elected to each House. On the final passage of each bill and joint resolution, the vote shall be taken separately, by yeas and nays, and entered on the journal.

Sec. 20. No law shall embrace more than one general object, which shall be expressed in its title. No public act shall take effect or be in force until the expiration of ninety days from the end of the session at which the same is passed, unless the Legislature shall otherwise direct, by a two-thirds vote of the members elected to each House.

Sec. 21. The assent of two-thirds of the members elected to each House of the Legislature, shall be requisite to every bill appropriating the public money or property, for local or private purposes.

Sec. 22. No law shall be revised, altered or amended by reference to its title only, but the section or sections of the act altered or amended, shall be reenacted and published at length.

Sec. 23. The Legislature shall provide by law that the furnishing of fuel and stationery for the use of the State, the printing and binding the laws and journals, all blanks, papers, and printing for the executive department and State offices, and all other printing ordered by the Legislature, shall be let by contract to the lowest competent and responsible bidder or bidders, who shall give adequate and satisfactory security for the performance thereof. The Legislature shall prescribe by law the manner in which the State printing shall be executed, and the accounts rendered therefor, and shall prohibit all charges for constructive labor. It shall not rescind or alter such contract, nor release the person or persons taking the same, or his or their sureties, from the performance of any of the conditions of the contract. No member of the Board of State Auditors shall be interested, directly or indirectly, in any contract with the State.

Sec. 24. The Legislature shall not establish a State paper, but shall provide for the speedy publication of all statute laws of a public nature, and of such judicial proceedings as it may deem expedient. All laws and judicial decisions shall be free for publication by any person.

Sec. 25. The Legislature may declare the cases in which any office shall be deemed vacant, and also the manner of filling the vacancy, where no provision is made for that purpose in this Constitution.

Sec. 26. The Legislature may confer upon organized townships, incorporated cities and villages, and upon the board of supervisors of the several counties, such powers of a local, legislative and administrative character as they may deem proper.

Sec. 27. The Legislature shall not authorize any city or township to pledge its credit, for the purpose of aiding in the construction of any railroad to such an extent that the outstanding indebtedness, exclusive of interest, on account of aid to any

and all railroads, shall exceed ten per cent. of the assessed valuation of such city or township. No county shall be authorized to pledge its credit, or raise money by taxation for any such purposes; but counties in the Upper Peninsula may be authorized to do so, subject to the restrictions in this section as to cities and townships. The question of such aid shall be submitted to a vote of the electors of the county, city or township to be affected thereby.

Sec. 28. The Legislature may empower any city or township to raise by tax, in aid of any railroad company or companies, an amount of money not exceeding ten per centum of the assessed valuation of such city or township, but every such tax shall be first approved by a vote of the electors of such city or township: *Provided*. That the amount levied by any such tax, shall not, when added to the principal of the credits of such city or township, already pledged for like aid and then outstanding, exceed ten per centum of the assessed valuation aforesaid.

Sec. 29. The Legislature shall not authorize, by private or special law, the sale or conveyance of any real estate belonging to any person, nor vacate nor alter any road laid out by commissioners of highways, or any street or public ground in any city or village, or in any recorded town plat.

Sec. 30. The Legislature shall not grant or authorize extra compensation to any public officer, agent or contractor, after the service has been rendered or the contract entered into.

Sec. 31. No money shall be appropriated or drawn from the treasury for the benefit of any religious sect or society, theological or religious seminary, or schools under denominational control, nor shall property belonging to the State be appropriated for any such purposes. Each House of the Legislature shall provide for religious exercises at the opening of its daily sessions.

Sec. 32. The Legislature shall not authorize any lottery or permit the sale of lottery tickets; nor grant divorces; nor audit

or allow any private claim or account; nor pass special acts extending the time for the collection of taxes.

Sec. 33. The style of the laws shall be, "The People of the State of Michigan enact."

ARTICLE VI.

EXECUTIVE DEPARTMENT.

SECTION 1. The executive power is vested in a Governor, who shall hold his office for two years. A Lieutenant Governor shall be chosen for the same term.

Sec. 2. No person shall be eligible to the office of Governor or Lieutenant Governor who has not been five years a citizen of the United States, and a resident of this State two years next preceding his election; nor shall any person be eligible to either office who has not attained the age of twenty-five years.

Sec. 3. The Governor and Lieutenant Governor shall be elected at the times and places of choosing the members of the Legislature. The person having the highest number of votes for Governor or Lieutenant Governor, shall be elected.

Sec. 4. The Governor shall be Commander-in-Chief of the military and naval forces; and may call out such forces to execute the laws, to suppress insurrection and to repel invasion.

Sec. 5. He may require information in writing from officers of the Executive Department, upon any subject relating to the duties of their respective offices.

Sec. 6. He shall take care that the laws be faithfully executed.

Sec. 7. He may convene the Legislature on extraordinary occasions.

Sec. 8. He shall give to the Legislature, and at the close of his official term, to the next Legislature, information by message, of the condition of the State, and recommend such measures as he shall deem expedient.

Sec. 9. He may convene the Legislature at some other place, when the seat of government becomes dangerous from disease or a common enemy.

Sec. 10. He shall issue writs of election to fill such vacancies as occur in the Senate or House of Representatives.

Sec. 11. He may grant reprieves, commutations and pardons, after conviction, for all offenses except treason, and cases of impeachment, upon such conditions and with such restrictions and limitations as he may think proper, subject to regulations provided by law, relative to the manner of applying for pardons. Upon conviction for treason, he may suspend the execution of the sentence until the case shall be reported to the Legislature at its next session, when the Legislature shall either pardon or commute the sentence, direct the execution of the sentence, or grant a further reprieve. He shall communicate to the Legislature at each session information of each case of reprieve, commutation or pardon granted by him, and the reasons therefor.

Sec. 12. In case of the impeachment of the Governor, his removal from office, death, inability, resignation or absence from the State, the powers and duties of the office shall devolve upon the Lieutenant Governor for the residue of the term, or until the disability cease. But when the Governor shall be absent from the State, at the head of a military force thereof, he shall continue to be Commander-in-Chief.

Sec. 13. During a vacancy in the office of Governor, if the Lieutenant Governor die, resign, be impeached, displaced, be incapable of performing the duties of his office, or absent from the State, the President *pro tempore* of the Senate shall act as Governor until the vacancy be filled or the disability cease.

Sec. 14. The Lieutenant Governor shall, by virtue of his office, be President of the Senate, and when there is an equal division he shall give the casting vote. In committee of the whole, he may debate all questions.

Sec. 15. No member of Congress, nor any person holding office under the United States, or other office of this State, shall execute the office of Governor.

Sec. 16. No person elected Governor or Lieutenant Governor shall receive any office or appointment from the Legislature, or either House thereof, during the time for which he was

elected. All votes for either of them, for any such office or appointment, shall be void.

Sec. 17. The Lieutenant Governor and President of the Senate *pro tempore*, when performing the duties of Governor, shall receive the same compensation as the Governor.

Sec. 18. All official acts of the Governor, his approval of the laws excepted, shall be authenticated by the great seal of the State, which shall be kept by the Secretary of State.

Sec. 19. All commissions issued to persons holding office under the provisions of this Constitution, shall be in the name and by the authority of the people of the State of Michigan, sealed with the great seal of the State, signed by the Governor and countersigned by the Secretary of State.

ARTICLE VII.

JUDICIAL DEPARTMENT.

SECTION 1. The judicial power shall be vested in a Supreme Court, in circuit courts, probate courts, justices of the peace, and in such other courts and tribunals as shall be authorized by law.

Sec. 2. The Supreme Court is continued, subject to the provisions of this article. The Legislature shall provide for the election of one additional judge, so that the court shall consist of five members, and for a classification of judges, so that one shall go out of office every two years. The Judge having the shortest time to serve shall be Chief Justice during the remainder of his term of office. The term of office of a judge of the Supreme Court shall be ten years.

Sec. 3. The Supreme Court shall have a general superintending control over all other courts and tribunals, and also such appellate jurisdiction as shall be provided by law; and to that end may issue writs of error, certiorari, mandamus, procedendo, prohibition, and all other appropriate writs and process. It shall also have original jurisdiction in cases of mandamus, habeas corpus, proceedings in the nature of quo warranto, and proceedings by scire-facias to vacate letters patent. It shall

have such jurisdiction of questions reserved, as shall be provided by law. Its jurisdiction in all cases not embraced in this article, shall be appellate only.

Sec. 4. There shall be held at least four terms of the Supreme Court annually, one in each of the four judicial districts of the Lower Peninsula of the State, at such times and places as shall be provided by law.

Sec. 5. The Supreme Court shall, by general rules, establish, modify and amend its practice, and may also make all rules that may be necessary for the exercise of its appellate jurisdiction. It may appoint its own clerks, and a reporter of its decisions. A concurrence of three judges of said court shall be necessary to a final decision.

Sec. 6. The State shall be divided into five judicial districts, four of which shall consist of contiguous territory in the Lower Peninsula; the fifth shall embrace the Upper Peninsula and such portion of the lower contiguous thereto as shall be designated. Each judicial district shall be subdivided into circuits of at least two in number. In each circuit there shall be elected by the electors thereof, one Circuit Judge, who shall be a resident of the judicial district in which such circuit is formed, who shall hold his office for the term of eight years. It shall be the duty of all the circuit judges to meet at least once in two years, to establish uniform rules of practice in the circuit courts, and to modify the same.

Sec. 7. The Legislature may provide for the holding of law terms in the several judicial districts by the judges thereof, with whom may be associated a Judge of the Supreme Court. The jurisdiction and powers at such law terms shall be such as may be granted by law. The Legislature may provide for holding a term or terms of the Circuit Court by a Judge of the Supreme Court.

Sec. 8. A circuit court shall be held at least twice in each year, in every county organized for judicial purposes, and at least three times in each year, in counties containing ten thousand inhabitants. The judges of circuit courts in each judicial

district shall hold the terms thereof, either within the circuit for which they are elected, or alternately within the judicial district, as they may elect, or as may be provided by law for either or all of such judicial districts.

Sec. 9. The circuit courts shall have original jurisdiction in all matters civil and criminal, not excepted in this Constitution, and not prohibited by law; and such appellate jurisdiction from all inferior courts and tribunals as shall be provided by law, and supervisory control of the same. They shall also have power to issue writs of habeas corpus, mandamus, injunction, quo warranto, certiorari, and other writs necessary to carry into effect their orders, judgments and decrees, and give them general control over inferior courts and tribunals within their respective jurisdictions.

Sec. 10. The Supreme, circuit and probate courts shall be courts of record, and shall each have a common seal.

Sec. 11. The respective circuit courts held in each county, shall appoint one or more persons residing therein, who shall be vested with such judicial and ministerial powers as shall be prescribed by law.

Sec. 12. Whenever a judge shall remove beyond the limits of the district in which he was elected, his office shall become vacant; and whenever a justice of the peace shall remove from the township in which he was elected, or be placed without the limits thereof by a change of boundaries, he shall be deemed to have vacated his office.

Sec. 13. Whenever a vacancy occurs in the office of judge of the Supreme, circuit or probate courts, it shall be filled by appointment of the Governor, which appointment shall continue until a successor to fill such vacancy is elected and qualified. When elected, such successor shall hold his office for the residue of the unexpired term.

Sec. 14. The clerk of each county organized for judicial purposes, shall be clerk of the circuit court of such county. The judges of the circuit courts within their respective jurisdictions

may fill vacancies in the offices of county clerk and prosecuting attorney.

Sec. 15. Each of the Circuit and Supreme Court Judges shall receive a salary payable quarterly. They shall be ineligible to any other than a judicial office, during their continuance therein. All votes given for such judges, for any office other than judicial, either by the Legislature or the people, shall be void.

Sec. 16. In each organized county there shall be a court of probate. It shall have such probate jurisdiction, powers and duties as shall be prescribed by law. Other jurisdiction, civil and criminal, may also be conferred on any one or more courts of probate. Judges of probate shall hold their offices for a term of four years, and shall be elected by the electors of their respective counties or districts, as shall be provided by law.

Sec. 17. There shall be not exceeding four justices of the peace in each organized township, who shall be elected by the electors of the township, and shall hold their office for four years, and until their successors are elected and qualified. A justice elected to fill a vacancy, shall hold his office for the residue of the unexpired term. The Legislature may increase the number of justices in cities.

Sec. 18. Justices of the peace shall have such civil and criminal jurisdiction, and perform such duties as shall be prescribed by law.

Sec. 19. The style of all process shall be: "In the name of the People of the State of Michigan."

Sec. 20. Two-thirds of the members elect to each House of the Legislature may require the opinion of the Supreme Court upon important questions of constitutional law.

ARTICLE VIII.

STATE OFFICERS.

SECTION 1. There shall be elected at each general biennial election, a Secretary of State, a State Treasurer, a Commissioner of the State Land Office, a Superintendent of Public Instruction, an Auditor General and an Attorney General, for

the term of two years, each of whom shall keep his office at the seat of government, and shall perform such duties as may be prescribed by law.

Sec. 2. Their term of office shall commence on the first day of January, one thousand eight hundred and sixty-nine, and of every second year thereafter.

Sec. 3. Whenever a vacancy shall occur in any of the State offices, the Governor shall fill the same by appointment, by and with the advice and consent of the Senate, if in session.

Sec. 4. The Secretary of State, State Treasurer, and Commissioner of the State Land Office, shall constitute a Board of State Auditors, to examine and adjust claims against the State, within such limits as shall be prescribed by law. They shall also constitute a Board of State Canvassers, to determine the result of all elections for Governor, Lieutenant Governor, all State officers, and such other officers as shall by law be referred to them.

ARTICLE IX.

IMPEACHMENTS AND REMOVALS FROM OFFICE.

SECTION 1. The House of Representatives shall have the sole power of impeaching civil officers for corrupt conduct in office, and for crimes and misdemeanors; but a majority of the members elected shall be necessary to direct an impeachment.

Sec. 2. Every impeachment shall be tried by the Senate. When the Governor or Lieutenant Governor shall be tried the Chief Justice of the Supreme Court shall preside. When an impeachment is directed, the members of the Senate shall take an oath or affirmation truly and impartially to try and determine the same according to the evidence. No person shall be convicted without the concurrence of two-thirds of the members elected. Judgment in case of impeachment shall not extend further than removal from office; but the party accused, whether acquitted or convicted, shall be liable to trial and punishment according to law.

Sec. 3. When an impeachment is directed, the House of Representatives shall appoint, from their own body, a committee,

whose duty it shall be to prosecute such impeachment. An impeachment may be tried after the final adjournment of the Legislature.

Sec. 4. No officer shall exercise his office after an impeachment is directed, until he be acquitted.

Sec. 5. The Governor may make a provisional appointment to fill a vacancy occasioned by the suspension of an officer, until he shall be acquitted, or until the election and qualification of a successor.

Sec. 6. For reasonable cause, which shall not be sufficient ground for the impeachment of a Judge, the Governor shall remove him on a concurrent resolution of two-thirds of the members elected to each House of the Legislature, after the party accused shall have had an opportunity to be heard in his defense; but the cause for which such removal is required shall be stated at length in such resolution.

Sec. 7. County, township, city, village or school district officers may be removed in such manner and for such cause as may be provided by law.

Sec. 8. The Governor shall have the power, and it shall be his duty, to examine into the condition of any State office, and the act of any State officer, and to suspend such officer except a judge or member of the Legislature, for gross neglect of duty, or for corrupt conduct in office, or any misfeasance or malfeasance therein, and to make a provisional appointment to fill the vacancy occasioned thereby, and report the cause of such suspension to the Legislature, if in session, and if not, then at the commencement of the next session thereof, and the Legislature shall proceed to investigate such cause, and if found insufficient, such officer shall be reinstated for the unexpired portion of his term.

Sec. 9. Whenever, during a recess of the Legislature, it shall, in the opinion of the Governor, become necessary to direct an impeachment of any civil officer, he may, by proclamation, convene the House of Representatives for that purpose; and if the House, when so convened, shall direct an impeachment, he shall

in like manner immediately convene the Senate to try such impeachment; and whenever, in the opinion of the President of the Senate and Speaker of the House of Representatives, it shall, during a recess of the Legislature, become necessary to direct an impeachment of the Governor, they may, by their joint proclamation, convene the House for that purpose; and if the House direct such impeachment, the said President and Speaker shall, in like manner, immediately convene the Senate to try such impeachment.

ARTICLE X.

SALARIES.

SECTION 1. The Governor shall receive an annual salary of three thousand dollars. The Secretary of State shall receive an annual salary of two thousand dollars. The State Treasurer shall receive an annual salary of twenty-five hundred dollars. The Commissioner of the State Land Office shall receive an annual salary of two thousand dollars. The Superintendent of Public Instruction shall receive an annual salary of twenty-five hundred dollars. The Auditor General shall receive an annual salary of twenty-five hundred dollars. The Attorney General shall receive an annual salary of two thousand dollars. The Judges of the Supreme Court and the Judges of the Circuit Courts shall each receive an annual salary of three thousand dollars. The Legislature shall have the power to increase or diminish the salaries of all officers provided for in this article, by a vote of two-thirds of all the members elect to each House. All persons holding office under the present Constitution shall be entitled to the salaries provided for in this Constitution from and after the time the same shall go into effect. The above named officers shall not be entitled to any fees or perquisites for the performance of the duties of their respective offices; but all perquisites received shall be paid into the State Treasury.

Sec. 2. The Governor, Secretary of State, State Treasurer, Commissioner of the State Land Office and Auditor General shall superintend in person the duties of their respective offices.

ARTICLE XI.

FINANCE AND TAXATION.

SECTION 1. All specific State taxes shall be applied in paying the interest on primary school, university and other educational funds, and the interest and principal of the State debt, in the order herein recited, until the extinguishment of the State debt, other than the amounts due to educational funds, when such specific taxes shall be added to and constitute a part of the primary school interest fund.

Sec. 2. The Legislature shall provide for an annual tax, sufficient, with other resources, to pay the estimated expenses of the State government, the interest of the State debt, and such deficiency as may occur in the resources.

Sec. 3. The Legislature shall provide by law a sinking fund, to be applied solely to the payment and extinguishment of the principal of the State debt, other than the amounts due to educational funds, which sinking fund shall be continued until the extinguishment of such State debt; and every law hereafter enacted by the Legislature, creating a debt or authorizing a loan, shall provide a sinking fund for the payment of the same.

Sec. 4. The unfunded debt shall not be funded or redeemed at a value exceeding that established by law in the year one thousand eight hundred and forty-eight.

Sec. 5. The State may contract debts to meet deficits in revenue. Such debts shall not in the aggregate at any time exceed fifty thousand dollars. The moneys so raised shall be applied to the purposes for which they were obtained, or to the payment of the debts so contracted.

Sec. 6. The State may contract debts to repel invasion, suppress insurrection, or defend the State in time of war. The money arising from the contracting of such debts shall be applied to the purposes for which it was raised, or to pay such debts.

Sec. 7. No money shall be paid out of the State treasury, except in pursuance of appropriations made by law.

Sec. 8. The credit of the State shall not be granted to, or in aid of, any person, association or corporation.

Sec. 9. No scrip, certificate, or other evidence of State indebtedness shall be issued, except for the redemption of stock previously issued, or for such debts as are expressly authorized in this Constitution.

Sec. 10. The State shall not subscribe to, or be interested in the stock of any company, association or corporation.

Sec. 11. The State shall not be a party to, or be interested in any work of internal improvement, except the ship canal at the Sault Ste. Marie, nor engage in carrying on any such work, otherwise than in the expenditure of grants to the State, of land or other property.

Sec. 12. The Legislature shall provide a uniform rule of taxation, except on property, business and corporations paying specific taxes. Taxes shall be levied on such property as shall be prescribed by law.

Sec. 13. All assessments hereafter authorized shall be on property at its cash value.

Sec. 14. The Legislature shall provide for an equalization of assessments on all taxable property, except that paying specific taxes, to be made in the year eighteen hundred and seventy-one, and every fifth year thereafter, by a State Board of Equalization, to consist of one member from each Senatorial district, to be elected as shall be prescribed by law. After the year eighteen hundred and seventy-three, the said Board of Equalization shall be constituted in such manner as the Legislature may direct.

Sec. 15. Every law which imposes, continues or revives a tax, shall distinctly state the tax, and the object to which it is to be applied; and it shall not be sufficient to refer to any other law to fix such tax or object.

Sec. 16. A full account of the State indebtedness, and an accurate statement of receipts and expenditures of the public money, shall be attached to, and published with the laws passed at every regular session of the Legislature.

Sec. 17. The State shall not assume any indebtedness of a county, township or city.

ARTICLE XII.

EDUCATION.

SECTION 1. Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.

Sec. 2. Institutions for the benefit of those inhabitants who are deaf, dumb, blind or insane, shall always be fostered and supported.

Sec. 3. The Legislature shall provide for a system of primary schools, by which a school shall be maintained in each school district in the State, free of charge for tuition, at least four months in the year. The instruction shall in all cases be conducted in the English language.

Sec. 4. The Legislature shall provide for the establishment and maintenance of a library in each township, and of at least one in each city. And all moneys belonging to the public derived from fines, penalties, forfeitures or recognizances, imposed or taken in the several counties, cities or townships, for any breach of the penal laws of the State, after deducting the actual costs of collection, shall be apportioned in the same manner, as is the income of the primary school fund, and paid over to the several cities and townships of the county in which such money accrued, for the support of such libraries: *Provided*, That the Legislature may authorize any township, by a vote of its electors, to apply its portion of said money to the direct support of its primary schools.

Sec. 5. There shall be elected eight regents of the University, whose term of office shall be eight years, two of whom shall be elected in every second year, on the day of the annual township election, so as to succeed the regents now in office, as their several terms shall expire. When a vacancy shall occur in the office of regent, it shall be filled by appointment by the Gov-

ernor. The chief justice of the supreme court shall be *ex officio* a member of the board of regents.

Sec. 6. The regents of the University and their successors in office, shall continue to constitute the body corporate, known by the name and title of "the Regents of the University of Michigan."

Sec. 7. The regents of the University shall, as often as necessary, elect a president of the University, who shall be *ex officio* a member of their board, with the privilege of speaking but not of voting. He shall preside at the meetings of the regents, and be the principal executive officer of the University. The board of regents shall have the general supervision of the University, and the direction and control of all expenditures from the University interest fund.

Sec. 8. There shall be elected three members of a State board of education, whose term of office shall be six years, one of whom shall be elected in every second year, at the time of the election of regents of the University. They shall enter upon the duties of their office on the first day of January next succeeding their election. The Superintendent of Public Instruction shall be *ex officio* a member and secretary of such board. The board shall have the general supervision of the State normal school, and their duties shall be prescribed by law.

Sec. 9. The Legislature shall provide for the support and maintenance of an agricultural college, for instruction in agriculture, and the natural sciences connected therewith.

Sec. 10. The proceeds from the sale of all lands that have been or hereafter may be granted by the United States to the State for educational purposes, and the proceeds of all lands or other property given by individuals, or appropriated by the State for like purposes, shall be and remain a perpetual fund, the interest and income of which, together with the rents of all such lands as may remain unsold, shall be inviolably appropriated and annually applied to the specific objects of the original gift grant, or appropriation.

Sec. 11. All lands, the title of which shall fail from a defect

of heirs, shall escheat to the State; and the interest on the clear proceeds from the sale thereof, shall be appropriated exclusively to the support of primary schools.

ARTICLE XIII.

MILITARY DEPARTMENT.

SECTION 1. The militia shall be composed of all able-bodied male citizens between the ages of eighteen and forty-five years, except such as are exempted by the laws of the United States, or of this State; but all citizens of any religious denomination, who, from scruples of conscience, may be averse to bearing arms, shall, in time of peace, be excused therefrom upon such terms and conditions as shall be prescribed by law.

Sec. 2. The Legislature shall provide by law for organizing, equipping and disciplining the militia in such manner as they shall deem expedient, not incompatible with the laws of the United States.

Sec. 3. Officers of the militia shall be elected or appointed, and be commissioned in such manner as may be provided by law.

ARTICLE XIV.

COUNTIES.

SECTION 1. Each organized county shall be a body corporate, with such powers and immunities as shall be established by law. All suits and proceedings, by or against a county, shall be in the name thereof.

Sec. 2. No new county shall be organized without submitting the question to a vote of the electors residing therein, nor unless a majority voting thereon shall vote for the same.

Sec. 3. No new county, containing less than sixteen towns, as surveyed by the United States, shall be organized from one or more counties, nor shall any organized county be reduced by the organization of new counties to less than sixteen such towns, unless in pursuance of law, a majority of the votes cast by the electors residing in the county, or each of the counties to be thereby so reduced below sixteen townships, shall be in favor of

such organization: *Provided*, That nothing herein contained shall be so construed as to prevent the Legislature from organizing any county composed wholly of islands within the territory of the State, or discontinuing any such county, and attaching the same to the nearest county or counties on the main land.

Sec. 4. In each organized county there shall be a sheriff, a county clerk, a county treasurer, a register of deeds, a prosecuting attorney, and such other officers as may be provided by law, chosen by the electors thereof once in two years, and as often as vacancies shall happen, whose duties and powers shall be prescribed by the Legislature. The board of supervisors in any county may unite the offices of county clerk and register of deeds in one office, or disconnect the same.

Sec. 5. The sheriff, county clerk, county treasurer, judge of probate, and register of deeds, shall hold their offices at the county seat.

Sec. 6. The sheriff shall hold no other county office, nor the office of supervisor. No person shall be eligible to the office of sheriff for more than four in a period of six years. The county shall never be responsible for his acts.

Sec. 7. A board of supervisors, consisting of one from each organized township, shall be established in each county, with such powers as shall be prescribed by law.

Sec. 8. Cities shall have such representation in the board of supervisors as the Legislature may direct; and one or more additional representatives on the board may be allowed by the Legislature to townships containing not less than three thousand inhabitants.

Sec. 9. No county seat, once established, shall be removed until the place to which it is proposed to be removed shall be designated by a majority of the members elect of the board of supervisors of the county, and two-thirds of the electors voting thereon shall have voted in favor of the proposed location, in such manner as shall be prescribed by law.

Sec. 10. The board of supervisors of any county may borrow, or raise by tax, a sum not exceeding one and one-half mill upon

the dollar, of the assessed valuation thereof, for constructing or repairing public buildings, highways or bridges; but no greater sum shall be borrowed, or raised by tax, for such purpose, in any one year, unless authorized by a majority of the electors of such county voting thereon.

Sec. 11. The board of county auditors, in the county of Wayne, and in such other counties as may be authorized by law to elect county auditors, and in every other county the board of supervisors, shall, except as otherwise provided by law, have power to prescribe the compensation due for all services rendered for, and adjust all claims against their respective counties, and such determination and adjustment shall be subject to no appeal. Supervisors and county auditors shall receive for their services such compensation as shall be prescribed by law.

ARTICLE XV.

TOWNSHIPS.

SECTION 1. There shall be elected annually, on the first Tuesday of March, in each organized township, one supervisor, one township clerk, one township treasurer, one school inspector, one commissioner of highways, not exceeding four constables, one overseer of highways for each highway district, and such other township officers as the Legislature may by law provide, who shall hold their offices until their successors are elected and qualified, and whose terms of office, powers and duties shall be prescribed by law.

Sec. 2. Each organized township shall be a body corporate, with such powers and immunities as shall be prescribed by law. All suits and proceedings, by or against a township, shall be in the name thereof.

ARTICLE XVI.

CITIES AND VILLAGES.

SECTION 1. The Legislature shall provide for the incorporation of cities and villages, and shall restrict their powers of

taxation, borrowing money, contracting debts, and loaning their credit.

Sec. 2. The mayor and aldermen of cities, and the president and trustees of villages, shall be elected, and all other officers shall be elected or appointed at such time, and in such manner as the Legislature may direct.

ARTICLE XVII.

CORPORATIONS OTHER THAN MUNICIPAL.

SECTION 1. Organizations for the construction of railroads, for the purpose of banking, insurance, mining, telegraphing, transacting business as common carriers, and religious societies, shall be incorporated only under general laws. No special charter shall be granted, nor shall the franchises given thereby be enlarged without the assent of two-thirds of the members elect to each House. Every act passed pursuant to this section, may be amended, altered or repealed by a majority vote of the members elect to each House.

Sec. 2. The stockholders of every corporation or association for banking purposes, issuing bank notes or paper credits, to circulate as money, shall be individually liable for all debts contracted during the term of their being stockholders of such corporation or association, equally and ratably to the extent of their respective shares of stock in any such corporation or association.

Sec. 3. The Legislature shall provide for the registry of all bills or notes issued or put in circulation as money, by any bank organized under the laws of this State, and shall require security to the full amount of notes and bills so registered, in interest-bearing stocks of this State, or of the United States, which shall be deposited with the State Treasurer, for the redemption of such bills or notes in lawful money of the United States.

Sec. 4. In case of the insolvency of any bank or banking association, the bill-holders shall be entitled to preference in payment, over all other creditors of such bank or association.

Sec. 5. The Legislature shall pass no law authorizing or sanctioning the suspension of payments by any corporation.

Sec. 6. The Legislature shall pass no law altering or amending any act of incorporation granted prior to the first day of January, eighteen hundred and fifty-one, without the assent of two-thirds of the members elected to each House. No such act shall be renewed or extended.

Sec. 7. No corporation shall hold any real estate for a longer period than ten years from the time of acquiring the same, unless such real estate shall be actually occupied by such corporation in the exercise of its franchises. No real estate shall hereafter be withheld from market for a longer period than ten years, for the use or benefit of any corporation.

Sec. 8. The stockholders in any corporation shall be individually liable for all labor done in behalf of such corporation during the time of their being such stockholders, equally and ratably to the extent of their respective shares in the stock of such corporation.

ARTICLE XVIII.

EXEMPTIONS.

SECTION 1. The personal property of every resident of this State, to consist of such property only as shall be designated by law, shall be exempted, to the amount of not less than five hundred dollars, from sale on execution or other final process of any court, issued for the collection of any debt.

Sec. 2. Every homestead, not exceeding forty acres of land, and the dwelling house thereon, and the appurtenances, to be selected by the owner thereof, owned and occupied by any resident of this State, not exceeding in value twenty-five hundred dollars, shall be exempt from forced sale for the collection of any debt on execution or other final process of any court. Such exemption shall not extend to any mortgage thereon lawfully obtained, but such mortgage or other alienation of such land, by the owner thereof, if a married man, shall not be valid without the signature of the wife to the same.

Sec. 3. Any resident of this State, owning and occupying a house on land not his own, and claiming the same as a home-

stead, shall be entitled as to such house, to the benefits provided in this article, to the same extent as if he were the owner of such land; but such exemption shall not in any way impair or affect the rights of the owner of said land.

Sec. 4. If the owner of a homestead die, or desert his family, leaving a widow, wife or children, such homestead shall be exempt from the payment of his debts so long as the widow shall be without other homestead of her own, and during the minority of the children, or while the deserted wife shall occupy said homestead.

Sec. 5. The real and personal estate of every woman, acquired before marriage, and the property to which she may afterwards become entitled, by gift, grant, inheritance or devise, shall be and remain the estate and property of such woman, and shall not be liable for the debts, obligations or engagements of her husband, and may be devised, bequeathed and alienated by her, as if she were unmarried.

ARTICLE XIX.

MISCELLANEOUS PROVISIONS.

SECTION 1. Members of the Legislature, and all officers, executive and judicial, shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of this State, and that I will faithfully discharge the duties of the office of ———, according to the best of my ability."

Sec. 2. Judicial and legislative proceedings shall be conducted, and the laws and public records promulgated and preserved in the English language.

Sec. 3. The Legislature shall prohibit public officers, receiving or having charge of public moneys, from using or employing the same in any manner for their private use or benefit, and shall provide that whenever such moneys are deposited with any person or corporation, the interest thereon shall be paid to the fund to which such moneys belong.

Sec. 4. Private property shall not be taken for public use, or for private roads, without the consent of the owner, unless the necessity for such taking, and the just compensation to be paid therefor, shall have first been ascertained and determined, and the compensation therefor paid or tendered in such manner as shall be prescribed by law. Whenever private property shall be taken for any purpose without the limits of any incorporated city or village, except a public highway, the necessity for the taking thereof, and the amount of compensation to be paid therefor, shall be first ascertained and determined by a jury of twelve freeholders, or three commissioners appointed by a court of record; and whenever such property shall be taken within the limits of any incorporated city or village, the amount of compensation to be paid therefor shall be first ascertained and determined by a jury of twelve freeholders.

Sec. 5. The Legislature may authorize the construction of dams across navigable streams, and the improvement of the navigation thereof; but such authority shall not interfere with the public right to the use of any such stream for any purpose of which it was susceptible before such dam was built or improvement made.

ARTICLE XX.

AMENDMENT AND REVISION OF THE CONSTITUTION.

SECTION 1. Any amendment or amendments to this Constitution may be proposed in the Senate or House of Representatives. If the same be agreed to by two-thirds of the members elected to each House, such amendment or amendments shall be entered on their journals respectively, with the yeas and nays taken thereon, and the same shall be submitted to the electors at such time as the Legislature shall prescribe. And if a majority of the electors, qualified to vote for members of the Legislature, voting on the amendment or amendments proposed, shall ratify and approve such amendment or amendments, the same shall become a part of the Constitution.

Sec. 2. At any time after the first day of January, A. D. one thousand eight hundred and eighty, the Legislature may provide for a Convention to revise or amend the Constitution. The question of the revision or amendment shall be submitted to the electors qualified to vote for members of the Legislature in such manner as may be provided by law. And in case a majority of the electors voting at such election, on such question, shall decide in favor of a Convention for such purpose, the Legislature, at the next session thereafter, shall provide by law for the election of Delegates to such Convention. All amendments shall take effect at the commencement of the year after their adoption, except as otherwise provided by law, or by this Constitution.

SCHEDULE.

That no inconvenience may arise from the changes in the Constitution of this State, and in order to carry the same into complete operation, it is hereby declared:

SECTION 1. The common law and the statute laws now in force, not repugnant to this Constitution, shall remain in force until they expire by their own limitation, or are altered or repealed by the Legislature.

Sec. 2. All writs, actions, causes of action, prosecutions and rights of individuals and of bodies corporate, and of the State, and all charters of incorporation, shall continue; and all indictments and informations which shall have been found or filed, or which may hereafter be found or filed, for any crime or offense committed before the adoption of this Constitution, may be proceeded upon as if no change had taken place. The several courts, except as herein otherwise provided, shall continue with the like powers and jurisdiction, both at law and in equity, as if this Constitution had not been adopted, and until the organization of the judicial department under this Constitution.

Sec. 3. All fines, penalties, forfeitures and escheats, accruing to the State under the present Constitution and laws, shall accrue to the use of the State under this Constitution.

Sec. 4. All recognizances, bonds, obligations, and all other instruments entered into or executed before the adoption of this Constitution, to the people of this State, or to any State, county or township, or any public officer, or public body, or which may be entered into or executed under existing laws, "to the people of this State," to any such officer or public body, before the complete organization of the departments of government under this Constitution, shall remain binding and valid, and rights and liabilities upon the same shall continue, and may be prosecuted as provided by law. And all crimes and misdemeanors, and penal actions, shall be prosecuted, tried and punished as though no change had taken place, until otherwise provided by law.

Sec. 5. All officers, civil and military, now holding any office or appointment, shall continue to hold their respective offices, unless removed by competent authority, until superseded under the laws now in force, or under this Constitution.

Sec. 6. The members of the Senate and House of Representatives of the Legislature of the year one thousand eight hundred and sixty-seven, shall continue in office under the provisions of law, until superseded by their successors, elected and qualified under this Constitution.

Sec. 7. All county officers, unless removed by competent authority, shall continue to hold their respective offices until the first day of January, in the year one thousand eight hundred and sixty-nine. The laws now in force as to the election, qualifications and duties of township officers, except as changed by this Constitution, shall continue in force until altered or repealed by the Legislature.

Sec. 8. The present Governor and other State officers, and the present Judges of the Supreme and Circuit Courts, shall continue to hold their respective offices until the expiration of the term for which they were elected. The present members of the State Board of Education, shall severally continue to hold their respective offices until their successors are elected and qualified according to law.

Sec. 9. The probate courts, the courts of justices of the peace, and all police courts, shall continue to exercise the jurisdiction and powers now conferred upon them respectively, until otherwise provided by law.

Sec. 10. It shall be the duty of the Legislature, at its first session after the adoption of this Constitution, to adapt the present laws to the provisions of this Constitution.

Sec. 11. The Attorney General and Judges of the Supreme Court are required to prepare and report to the Legislature, at the commencement of the next session, such changes and modifications in existing laws as may be deemed necessary to adapt the same to this Constitution, and as may be best calculated to carry into effect its provisions.

Sec. 12. Any territory attached, or that may be attached to any county for judicial purposes, if not otherwise represented, shall be considered as forming a part of such county, so far as regards elections for the purpose of representation.

Sec. 13. This Constitution shall be submitted to the people for their adoption or rejection, on the first Monday in April, in the year one thousand eight hundred and sixty-eight; and it shall be the duty of the Secretary of State, and all other officers required to give or publish any notice in regard to general elections, to give notice as provided by law in case of an election for Governor, that this Constitution has been duly submitted to the electors for their adoption or rejection on that day. The elections in cities wherein there are no elections held annually in the month of April, shall be held and conducted, as near as may be, in the same manner as in the case of elections for Judges of the Supreme Court or Regents of the University. Every newspaper within this State, publishing, in the month of January next, this Constitution as submitted, shall receive as a compensation therefor the sum of twenty dollars, to be paid as the Legislature shall direct.

Sec. 14. Any person entitled to vote for members of the Legislature by the Constitution and laws now in force, shall, at the said election, be entitled to vote for the adoption or rejection of

this Constitution, at the places and in the manner provided by law for the election of members of the Legislature.

Sec. 15. At the said election a ballot-box shall be kept by the several boards of inspectors of election for the receiving of votes cast for or against the adoption of this Constitution; and on the ballots shall be written or printed, or partly written and partly printed, the words, "Adoption of the Constitution—Yes;" or, "Adoption of the Constitution—No."

Sec. 16. The canvass of the votes cast for the adoption or rejection of this Constitution, and the returns thereof, shall be made by the proper returning officers, in the same manner as is now provided by law for the canvass and return of votes cast at an election for Regents of the State University, as near as may be, and the return thereof shall be directed to the Secretary of State. On the first day of June next, or within five days thereafter, the Auditor General, State Treasurer and Secretary of State, or a majority of them, shall meet at the Capital, and proceed, in the presence of the Governor, to examine and canvass the return of said votes, and proclamation shall forthwith be made by the Governor, of the result thereof. If it shall appear that a majority of the votes cast upon the question have thereon, "Adoption of the Constitution—Yes," this Constitution shall be the supreme law of the State from and after the first day of July next; and any person declared an elector, and entitled to vote by Article III, of this Constitution, shall, from and after the said first day of July next, be entitled to vote at any election, in the same manner and subject to the same rules and regulations as are now provided by law for electors in this State. But if a majority of the votes cast upon the question, have thereon, "Adoption of the Constitution—No," the same shall be null and void.

Sec. 17. The Legislature, at its first session, shall make such further provisions as may be necessary for the payment of all expenditures of the Convention, including the publication of this Constitution, as provided in this article.

Sec. 18. There shall be elected on the first Tuesday in March,

in the year one thousand eight hundred and sixty-nine, and every eight years thereafter, one circuit judge for each judicial circuit, whose term of office shall commence on the first day of January thereafter. There shall be elected at the same time two judges of the Supreme Court, one of whom shall be elected for the term of eight years, and one for the term of ten years, and every second year thereafter one judge of said court shall be elected. The terms of office of said judges shall commence on the first day of January following their election.

Sec. 19. The State shall be divided into five judicial districts, and until otherwise provided by law, the counties of Wayne, Monroe, Lenawee, Hillsdale, Branch and St. Joseph, shall constitute the first district; the counties of Washtenaw, Jackson, Calhoun, Eaton, Kalamazoo, Allegan, Van Buren, Cass and Berrien, shall constitute the second district; the counties of Ottawa, Muskegon, Oceana, Mason, Leelanaw, Barry, Grand Traverse, Antrim, Kent, Ionia, Clinton, Montcalm, Manistee, Newaygo and Mecosta, with the territory attached thereto, shall constitute the third district; the counties of Shiawassee, Ingham, Livingston, Genesee, Lapeer, Oakland, Macomb, St. Clair, Sanilac, Huron, Tuscola, Saginaw, Midland, Gratiot, Isabella, Bay, Iosco, and Alpena, with the territory attached thereto, shall constitute the fourth district; and the counties of Mackinaw, Cheboygan, Chippewa, Emmet, Manitou, Ontonagon, Marquette, Houghton, Keweenaw, Delta and Menominee, with the territory attached thereto, shall constitute the fifth district.

Sec. 20. The judicial districts shall be sub-divided into circuits, successively numbered; and until otherwise provided by law, the counties of Wayne and Monroe shall constitute the first circuit; the counties of Lenawee, Hillsdale, Branch and St. Joseph, shall constitute the second circuit; the counties of Allegan, Van Buren, Cass, Kalamazoo and Berrien, shall constitute the third circuit; the counties of Washtenaw, Jackson, Calhoun and Eaton, shall constitute the fourth circuit; the counties of Muskegon, Oceana, Mason, Manistee, Leelanaw, Grand Traverse, Antrim, Newaygo and Mecosta, with the territory attached thereto, shall consti-

tute the fifth circuit; the counties of Barry, Clinton, Ionia, Kent, Montcalm and Ottawa, shall constitute the sixth circuit; the counties of Ingham, Shiawassee, Livingston, Genesee, Lapeer and Tuscola, shall constitute the seventh circuit; the counties of Oakland, Macomb, St. Clair, Sanilac and Huron, shall constitute the eighth circuit; the counties of Saginaw, Bay, Midland, Gratiot, Isabella, Iosco and Alpena, with the territory attached thereto, shall constitute the ninth circuit; the counties of Mackinaw, Chippewa, Cheboygan, Emmet and Manitou, with the territory attached thereto, shall constitute the tenth circuit; and the counties of Ontonagon, Houghton, Keweenaw, Marquette, Delta and Menominee, with the territory thereto attached, shall constitute the eleventh circuit. The Legislature shall not increase the number of circuits, or the number of judges of the circuit courts, as fixed by this Constitution, until after the expiration of eight years from the time of its adoption.

Sec. 21. Until the next enumeration of inhabitants of this State, in the year one thousand eight hundred and seventy, the counties of Nawaygo and Oceana shall each be entitled to one representative; the county of Mecosta, with the territory thereto attached, one representative; the county of Isabella, with the territory thereto attached, one representative; the county of Midland, with the territory thereto attached, one representative; the counties of Alpena and Iosco, and the territory thereto attached, one representative; the counties of Menominee and Delta, one representative; the counties of Mason and Manistee, and the territory thereto attached, one representative; the counties of Grand Traverse, Benzie and Antrim, and the territory thereto attached, one representative; and the counties of Leelanaw and Manitou, one representative.

At the election when this Constitution shall be submitted to the electors of this State for adoption or rejection, there shall also be separately submitted to such electors the two following propositions:

First. Sec. 8. The Legislature shall meet on the first Wednesday of January, in the year one thousand eight hundred and

sixty-nine, and on the first Wednesday of January of each year thereafter, but at no other time, except as provided in this Constitution. The time of meeting shall be at eleven o'clock in the forenoon, and the time of final adjournment shall be at twelve o'clock noon.

Second. Sec. 8. The Legislature shall meet on the first Wednesday of January, in the year one thousand eight hundred and sixty-nine, and on the first Wednesday of January of every second year thereafter, but at no other time, except as provided in this Constitution. The time of meeting shall be at eleven o'clock in the forenoon, and the time of final adjournment shall be at twelve o'clock noon.

A separate ballot upon either proposition may be given by any elector, which shall be deposited in a ballot-box provided for that purpose.

On the ballot in favor of the adoption of the above proposition No. 1, shall be the words, "Annual Sessions—Yes;" and upon the ballots in favor of the above proposition No. 2, shall be the words, "Biennial Sessions—Yes;" and upon the head or outside of all said ballots shall be the words, "Annual or Biennial Sessions," placed in such a manner that the same shall be visible when the ballot is folded.

If upon the canvass of such ballots cast at such election, a majority thereof shall be found to contain the words, "Annual Sessions—Yes," then said proposition No. 1 shall become and stand as section eight, of Article V, of this Constitution, if the same is adopted; but if a majority of such ballots shall contain the words, "Biennial Sessions—Yes," then the above proposition No. 2 shall become and stand as section eight, of Article V, of this Constitution, if the same is adopted.

At the election, at the same time when the votes of the electors shall be taken for the adoption or rejection of this Constitution, an additional section of Article V, numbered thirty-four, in the words following:

Sec. 34. "The Legislature shall not pass any act authorizing the grant of license for the sale of ardent spirits or intoxica-

ting liquors, but shall by law prohibit the sale of the same as a beverage;”

Shall be separately submitted to the electors of this State for their adoption or rejection in form following, to wit:

A separate ballot may be given by every person having the right to vote for the revised Constitution, to be deposited in a separate box.

Upon the ballots given for said separate section shall be written or printed, or partly written and partly printed, the words, “Prohibition—Yes,” and upon the ballots given against the adoption of said section, in like manner, the words “Prohibition—No.”

If at said election a majority of the votes for and against said section shall contain the words, “Prohibition—Yes,” then there shall be inserted in the article entitled “Legislative Department,” the said additional section, to be numbered as section thirty-four in said article.

ERRATA

- On page 663, line 28, for "devotional," read "denominational."
- On page 11, line 18, for "equity," read "equality."
- On page 76, line 2, for "affairs," read "officers."
- On page 352, line 14, for "section 11," read "section 1."
- On page 425, line 22, for "on the being," read "being on the."
- On page 765, line 12, for "reconsider," read "recommit."
- On page 544, line 26, for "Counties," read "Legislative Department."
- On page 552, line 18, after the word "in," read "the article entitled Legislative Department, by."

INDEX.

I N D E X .

A.

| | Page. |
|---|--|
| ADJOURNEENT, | |
| until first Wednesday in December,..... | 30 |
| until Monday morning, May 20th,..... | 26 |
| until May 27th,..... | 90 |
| until June 5th,..... | 105, 127, 128, 129, 142 |
| until Wednesday, July 10th,..... | 314, 315 |
| until first Wednesday in November,..... | 315, 317 |
| until July 9th,..... | 319, 320, 321, 322, 323, 324, 407, 408 |
| until August 7th,..... | 399 |
| for the afternoon,..... | 383 |
| until Monday, June 22d, at 10½ o'clock,..... | 500 |
| until August 5th, at 10½ o'clock,..... | 617 |
| resolution relative to, <i>sine die</i> ,..... | 627 |
| until 8 o'clock, August 22d,..... | 823 |
| <i>sine die</i> ,..... | 831 |
| AGE OF MEMBERS OF CONVENTION, | |
| Sergeant-at-Arms directed to report,..... | 244 |
| report relative to ages of,..... | 328, 329 |
| AGE, | |
| of Governor,..... | 284 |
| of school children in the State,..... | 283, 482 |
| ALDRICH, LEVI, a delegate from Cass county, | |
| answered to name, sworn in,..... | 3-5 |
| appointed on committee on employing official reporters,..... | 9 |
| appointed chairman committee on supplies and expenditures,... | 32 |
| appointed on committee on corporations, other than municipal,... | 32 |
| offered resolution directing Secretary to procure list of standing committees printed,..... | 41 |
| offered resolution relative to postage,..... | 121 |
| offered resolution adding a member to committee on supplies, etc.,..... | 800 |
| leave of absence granted to,..... | 406 |
| petitions presented by,..... | 38, 52, 111, 135, 170, 240 |
| ALEXANDER, LORENZO P., a delegate from Berrien county, | |
| answered to name, sworn in,..... | 3-5 |
| appointed on committee on finance and taxation,..... | 32 |
| " " corporations, other than municipal,... | 32 |
| offered resolution fixing the hour of meeting of Convention,.... | 9 |
| offered resolution of inquiry relative to election of Speaker of House of Representatives, by the people,..... | 76 |
| offered resolution of inquiry, relative to restricting number of no- taries public,..... | 85 |
| offered resolution of inquiry relative to amendments to acts of Legislature,..... | 85 |
| offered resolution to adjourn over,..... | 105 |
| offered resolution asking State Printer for a list of newspapers to which journals and debates are forwarded,..... | 121 |

| | Page |
|---|---|
| ALEXANDER, LORENZO P.,—Continued. | |
| offered resolution relative to proof sheets of journal,..... | 374 |
| offered resolution for daily sessions to commence at 8 A. M.,.... | 606 |
| “ “ limiting debate,..... | 608 |
| “ “ fixing time for final adjournment,..... | 627 |
| “ “ directing postmaster to transmit proceed- | |
| ings and debates,..... | 799 |
| offered resolution for an address to the people,..... | 828 |
| offered resolution of thanks to messengers,..... | 828 |
| leave of absence granted to,..... | 126, 410, 535 |
| petitions presented by,..... | 52, 167, 249, 294, 302, 309, 359, 379 |
| ALIENS, | |
| rights of, as officers and stock-holders of corporations,..... | 740 |
| ALTERNATIVES, | |
| resolution relative to submitting certain questions, as,..... | 458, 534 |
| AMENDMENT AND REVISION OF CONSTITUTION, | |
| a committee on, recommended,..... | 15 |
| “ authorized,..... | 16 |
| “ appointed,..... | 32 |
| article reported by committee on,..... | 611 |
| article on, read twice, referred to committee of the whole,..... | 612 |
| “ considered in com. of whole,..... | 628, 629, 630 |
| “ passage of, recommended,..... | 631 |
| “ laid on the table,..... | 632 |
| “ taken from the table,..... | 679 |
| “ amendment to, concurred in,..... | 687 |
| “ referred to com. on arrangement and phraseology,... | 687 |
| “ reported back,..... | 733 |
| “ printed in journal,..... | 735 |
| “ passed,..... | 743 |
| “ referred for numerical arrangement,..... | 743 |
| “ arranged numerically,..... | 787 |
| resolution relative to amendments referred to com. on,..... | 72 |
| AMENDMENTS TO PRESENT CONSTITUTION, | |
| information asked for, relative to votes on,..... | 29 |
| statement of votes cast on,..... | 71 |
| ANDRUS, WILLIAM W., a delegate from Macomb county, | |
| announced and sworn in,..... | 18 |
| appointed on committee on military affairs,..... | 32 |
| “ “ bill of rights,..... | 32 |
| “ “ “disorderly member,”..... | 123 |
| leave of absence granted to,..... | 587 |
| petitions presented by,..... | 98, 249, 266 |
| ANNUAL SESSIONS OF LEGISLATURE, | |
| resolution relative to,..... | 61 |
| submission to the people,..... | 750, 752, 753, 759, 772 |
| ANNUAL TOWNSHIP MEETINGS, | |
| resolution relative to holding,..... | 47, 75, 113, 125 |
| APPEALS, | |
| from boards of supervisors,..... | 325, 333, 334, 336, 337, 339, 344, 345, |
| 346, 347, 530, 531, 532, 533, 674, 718. | |
| from decision of chair,..... | 90, 96 |
| ASSISTANT SECRETARIES, | |
| appointment of, authorized,..... | 7, 12 |
| appointed,..... | 27 |
| per diem of,..... | 503 |
| extra compensation proposed for,..... | 816, 819 |
| vote of thanks to,..... | 828 |

| | Page. |
|---|----------|
| ASSISTANT SERGEANT-AT-ARMS, | |
| appointment of, authorized, | 12 |
| appointed, | 17 |
| per diem of, | 503 |
| vote of thanks to, | 828 |
| ARRANGEMENT AND PHRASEOLOGY, | |
| a committee on, recommended, | 15 |
| " authorized, | 16 |
| " appointed, | 32 |
| articles to be referred to committee on, | 35 |
| Article on Amendment and Revision, etc., referred to, | 687, 743 |
| " Bill of Rights, " | 499, 690 |
| " Boundaries, etc., " | 108, 167 |
| " Cities and Villages, " | 542, 693 |
| " Corporations other than Municipal, " | 741, 767 |
| " Counties, " | 534, 675 |
| " Division of Powers of Government, " | 108, 167 |
| " Education, " | 600, 717 |
| " Elections, " | 705, 768 |
| " Executive Department, " | 297, 673 |
| " Exemptions, " | 368, 689 |
| " Finance and Taxation, " | 265, 766 |
| " Impeachments, etc., " | 368, 690 |
| " Judicial Department, " | 609, 736 |
| " Legislative Department, " | 665, 783 |
| " Military Department, " | 494, 691 |
| " Miscellaneous Provisions, " | 687, 743 |
| " Salaries, " | 726, 771 |
| " Schedule, " | 807, 816 |
| " State Officers, " | 459, 674 |
| " Townships, " | 126, 172 |
| resolution relative to erasures and interlineations, referred to, ... | 826 |
| report on erasures and interlineations in Constitution, by com- | |
| mittee on, | 829, 830 |
| rules referred to, | 51 |
| requested to prepare preamble, | 103 |
| Article on Amendment and Revision reported back by com. on, .. | 733 |
| " Bill of Rights, " " " .. | 548 |
| " Boundaries, " " " .. | 118 |
| " Cities and Villages, " " " .. | 614 |
| " Corporations other than Municipal, reported back by | |
| committee on, | 745 |
| Article on Counties, reported back by committee on, | 612 |
| " Division of Powers of Government, reported back by | |
| committee on, | 118 |
| Article on Education, reported back by committee on, | 614 |
| " Elections, " " " .. | 733 |
| " Executive Department, reported back by com. on, .. | 509 |
| " Exemptions, " " " .. | 509 |
| " Finance and Taxation, " " " .. | 513 |
| " Impeachments, etc., " " " .. | 509 |
| " Judicial Department, " " " .. | 655 |
| " Legislative Department, " " " .. | 708 |
| " Military Department, " " " .. | 509 |
| " Miscellaneous Provisions, " " " .. | 694 |
| " Salaries, " " " .. | 745 |
| " Schedule, " " " .. | 814 |
| " State Officers, " " " .. | 551 |
| " Townships, " " " .. | 137 |
| resolution to enlarge committee on, | 17 |
| rules reported back, by, | 54 |

| | Page. |
|--|--------------------|
| ASYLUM, | |
| lands in the State, | 72 |
| ATTORNEY GENERAL, | |
| designated as a State officer, | 369 |
| salary of, | 631, 724, 725 |
| AUDITOR GENERAL, | |
| clerks in office of, information called for, relative to, | 41 |
| communication from, relative to clerks in office of, | 101, 104 |
| communication from, relative to corporations paying specific taxes, | 177 |
| communication from, stating length of last three sessions of the Legislature, | 148 |
| communication from, relative to Normal School, | 343 |
| discontinuing of office of, | 369, 376, 377 |
| information asked of, relative to corporations paying specific taxes, | 139 |
| information asked of relative to length of last three sessions of Legislature, | 120 |
| salary of, | 631, 633, 724, 725 |
| EVERY, CHARLES | |
| appointed messenger, | 44 |

B.

| | |
|--|---|
| BANKING INCORPORATIONS, | |
| information asked for, relative to, | 184 |
| laws creating, submitted to vote of people, | 141 |
| organization relative to, | 142, 173, 174 |
| list of, | 184, 185 |
| BARBER, JULIUS S., a delegate from Branch county, | |
| announced and sworn in, | 18 |
| appointed on committee on corporations, other than municipal, .. | 32 |
| appointed on committee on miscellaneous provisions, | 32 |
| leave of absence granted to, | 37, 470 |
| petitions presented by, | 137, 154, 195, 243, 248, 294, 372, 427 |
| BEARING ARMS, | |
| right of, | 404, 497 |
| certain persons excused from, in time of peace, | 493 |
| BILL OF RIGHTS, | |
| a committee on, recommended, | 15 |
| “ authorized, | 16 |
| “ appointed, | 32 |
| resolution relative to granted and reserved powers, referred to, .. | 41 |
| article on, reported by committee on, | 304 |
| “ read twice, referred to committee of the whole, | 304 |
| “ considered in committee of the whole, | 387, 388, 389, 390, 403, 404, 405, 406, 413, 414. |
| article on, leave granted to sit again, on | 390, 405 |
| “ passage of, recommended, | 415 |
| “ laid on the table, | 416 |
| “ taken from the table, | 495 |
| “ amendments made to, in committee of the whole, considered, | 496, 497, 498, 499 |
| article on, referred to committee on arrangement and phraseology, .. | 499 |
| “ reported back, laid on the table one day, | 548 |
| “ taken from third reading, laid on the table, | 556 |
| “ printed in journal, | 549-551 |
| “ made special order for third reading, | 605 |
| “ passed, | 690 |
| “ referred for numerical arrangement, | 690 |
| “ arranged numerically, | 787 |

INDEX.

889

Page.

| | |
|---|---|
| BILLS, | |
| final passage to be by yeas and nays,..... | 439, 542 |
| introduction of, after certain time,..... | 435, 542 |
| passage of, over Governor's veto,..... | 439, 544 |
| to originate in either House of Legislature,..... | 661 |
| BILLS, PERLEY, a delegate from Lenawee county, | |
| answered to name, sworn in,..... | 4-5 |
| appointed on committee on mode of proceeding to revise Consti- tution,..... | 8 |
| appointed chairman of committee on intoxicating liquors,..... | 32 |
| appointed on committee on finance and taxation,..... | 32 |
| chairman of the committee of the whole,..... | 569, 576 |
| offered resolution to refer resolutions to committees without debate,..... | 75 |
| leave of absence granted to,..... | 87, 247, 376, 494 |
| petitions presented by,..... | 99, 157, 248, 351, 393, 411 |
| BIRNEY, JAMES, a delegate from Bay county, | |
| answered to name, sworn in,..... | 3-5 |
| appointed chairman of select committee on mode of proceed- ing to revise Constitution,..... | 8 |
| appointed chairman committee on Executive department,..... | 31 |
| " on committee on arrangement and phraseology,..... | 32 |
| chairman of committee of the whole,..... | 33, 47 |
| offered resolution for appointment of a select committee on mode of proceeding,..... | 8 |
| offered resolution for committee on mode of proceeding, recom- mending appointment of standing committees,..... | 15 |
| offered resolution of inquiry relative to incorporating cities and villages,..... | 225 |
| offered resolution limiting debate,..... | 608 |
| offered resolution relative to submitting separately the question of prohibition,..... | 734 |
| leave of absence granted to,..... | 301, 556, 624, 814 |
| petitions presented by,..... | 38, 134, 169, 194 |
| reported article on Executive department,..... | 118 |
| BLACKMAN, SAMUEL H., a delegate from Van Buren county, | |
| answered to name, sworn in,..... | 4-5 |
| appointed chairman committee on impeachments and removals from office,..... | 32 |
| appointed on committee on arrangement and phraseology,..... | 32 |
| offered resolution of inquiry relative to supporting free common schools,..... | 75 |
| offered resolution of inquiry relative to applying fines to sup- port of libraries,..... | 105 |
| offered resolution instructing committee on printing relative to printing debates,..... | 413 |
| offered resolution directing Secretary relative to absentees,..... | 413 |
| offered resolution relative to pay of absent members,..... | 824 |
| offered resolution directing President and Secretary to issue cer- tificates to persons employed to assist in enrolling Constitution,..... | 727 |
| offered resolution instructing State Printer to print additional journals and debates,..... | 88 |
| leave of absence granted to,..... | 602 |
| petitions presented by,..... | 52, 93, 147, 148, 171, 195, 295, 296, 312, 313, 341, 359, 392. |
| BOARD OF STATE AUDITORS, | |
| accounts allowed and audited by,..... | 102 |
| jurisdiction and powers of,..... | 369, 374, 375 |
| Lieutenant Governor as chairman of,..... | 293 |

| | Page. |
|---|---------------------------------|
| BOUNDARIES AND SEAT OF GOVERNMENT, | |
| a committee on, recommended,..... | 14 |
| " " authorized,..... | 16 |
| " " appointed,..... | 31 |
| articles reported by committee on,..... | 69 |
| " read twice, referred to committee of the whole,..... | 69 |
| " on, considered in com. of the whole,..... | 86, 87, 93, |
| 94, 95, 96, 106, 107. | |
| article on, passage of, recommended,..... | 107 |
| " referred to com. on arrangement and phraseology,... | 107 |
| " reported back, tabled,..... | 118 |
| " taken from table,..... | 164 |
| " passed,..... | 165 |
| " referred for numerical arrangement,..... | 167 |
| " arranged numerically,..... | 787 |
| BRADLEY, MILTON, a delegate from Kalamazoo county, | |
| answered to name, sworn in,..... | 4-5 |
| appointed on committee to invite clergymen to officiate as Chap- lains of Convention,..... | 17 |
| appointed on committee on education,..... | 32 |
| " " on Schedule,..... | 32 |
| offered resolution requesting committee on arrangement and phraseology to prepare Preamble to Constitution,..... | 103 |
| offered resolution to submit certain propositions separately to the people,..... | 750 |
| leave of absence granted to,..... | 126, 345, 602 |
| petitions presented by,..... | 53, 66, 136, 241, 327, 372, 393 |
| BROWN, ASAHEL, a delegate from Branch county, | |
| answered to name, sworn in,..... | 3-5 |
| appointed on committee on executive department,..... | 31 |
| appointed on committee on salaries,..... | 32 |
| petitions presented by,..... | 267, 694 |
| BURNHAM, W. D., | |
| appointed fireman,..... | 18 |
| BURTON, MILTON P., a delegate from Eaton county, | |
| answered to name, sworn in,..... | 3-5 |
| appointed on committee on townships,..... | 32 |
| " " bill of rights,..... | 32 |
| offered preamble and resolution <i>for guidance of Convention</i> ,... | 11 |
| offered resolution requesting report of the committee on "disor- derly member,"..... | 203 |
| offered resolution granting himself leave of absence,..... | 223 |
| offered resolution relative to representation in Legislature from certain counties,..... | 428 |
| offered resolution personal to himself,..... | 458 |
| offered resolution relative to present mode of providing for the poor,..... | 660 |
| offered resolution relative to a register of deeds for cities with certain population,..... | 660 |
| offered preamble and resolution relative to national finances,.... | 821 |
| offered resolution relative to woman's rights,..... | 827 |
| leave of absence granted to,..... | 91, 479, 504, 543, 604 |
| petitions presented by,..... | 55, 99 |
| BURTENSHAW, JAMES, a delegate from Ontonagon county, | |
| answered to name, sworn in,..... | 4-5 |
| appointed on com. on mode of proceeding to revise Constitution, .. | 8 |
| " chairman committee on Upper Peninsula,..... | 121 |
| " on committee on elections,..... | 31 |
| " " " Schedule..... | 32 |

INDEX.

891

BURTENSHAW, JAMES—*Continued.*

Page.

| | |
|---|-------------------|
| offered resolution of inquiry relative to establishing a State Prison in the Upper Peninsula, | 82 |
| leave of absence granted to, | 91, 229, 391, 410 |
| petitions presented by, | 195 |

C.

| | |
|--|-------------------------------|
| CALL OF CONVENTION, | 532, 623, 692 |
| CASE, GEORGE F., delegate from Montcalm county, | |
| answered to name, sworn in, | 4-5 |
| appointed on committee on Schedule, | 32 |
| " " supplies, | 32 |
| offered resolution of inquiry relative to requiring attendance of children in primary schools, | 76 |
| offered resolution requesting Supt. Public Instruction for statement relative to number of children in State, schools, etc., | 283 |
| offered resolution to adopt Rule 57, House of Representatives, .. | 450 |
| " " restricting <i>per diem</i> to actual attendance, etc., | 606 |
| petitions presented by, | 109, 154, 303, 340 |
| CENTRAL MICHIGAN AGRICULTURAL SOCIETY, | |
| invitation from, | 383 |
| thanks to, | 383 |
| CHAPIN, DEWITT C., delegate from Gratiot county, | |
| answered to name, sworn in, | 3-5 |
| appointed on committee on education, | 32 |
| " " on amendment and revision, | 32 |
| offered resolution of inquiry relative to changing time of holding annual town elections, | 47 |
| offered resolution providing additional compensation to Assistant Secretary, | 727 |
| offered resolution ordering 1,500 copies of daily journal, | 90 |
| leave of absence granted to, | 407 |
| petitions presented by, | 175, 206 |
| CHAPLAINS, | |
| resolution authorizing each House of Legislature to employ, .. | 76, 453 |
| CHAPMAN, BELA, delegate from Mackinac county, | |
| answered to name, sworn in, | 4-5 |
| appointed on com. on mode of proceeding to revise Constitution, | 8 |
| " " on State officers, | 31 |
| CHARTERS, | |
| amendment and repeal of, | 62 |
| special, no amendment to or repeal of, except, etc., | 224, 232, 610, 627, 628, 738. |
| CIRCUIT COURT COMMISSIONER, | |
| election of, | 572, 577 |
| powers of, | 577 |
| CIRCUIT COURT, | |
| appointment of clerk of, | 577 |
| to be a court of record, | 572 |
| stenographic reporter for, | 578 |
| CITIES AND VILLAGES, | |
| a committee on, recommended, | 15 |
| " " appointed, | 32 |
| resolution relative to organization of, referred to, | 83 |
| report of, recommending reference of section 15, article 15, to committee on miscellaneous provisions, | 112 |
| resolution referred to, relative to appointment of officers by mayors and common councils of, | 162 |
| instructions referred to, | 225 |
| report of committee on, on a memorial of citizens of Lansing, ... | 254 |

| | Page. |
|---|------------------------------------|
| COMMISSIONER STATE LAND OFFICE, | |
| resolution requesting information of, relative to State lands,..... | 10 |
| statement from, of unsold and unappropriated State lands,..... | 72 |
| salary of,..... | 630, 633, 724, 725 |
| CONGER, OMAR D., a delegate from St. Clair county, | |
| announced and sworn in,..... | 16 |
| appointed chairman committee on legislative department,..... | 31 |
| " " on committee on militia,..... | 32 |
| " " on Upper Peninsula,..... | 121 |
| offered resolution relative to reporter of <i>Advertiser and Tribune</i> ,..... | 112 |
| " " to adjourn to July 9th,..... | 319 |
| " " accepting invitation to attend laying corner | |
| stone of soldiers' monument,..... | 332 |
| offered resolution of thanks to Central State Ag'l Society,..... | 383 |
| " " apportioning N. Y. Debates,..... | 502 |
| " " providing compensation for Librarian,..... | 797 |
| chairman of the committee of the whole,..... | 387, 390, 402 |
| leave of absence granted to,..... | 87, 247, 602, 757 |
| petitions presented by,..... | 28, 54, 55, 133, 148, 231, 350 |
| CONSTITUTION, | |
| committee on mode of revision,..... | 15, 16, 32 |
| printing in bill form proposed,..... | 13 |
| erasures and interlineations in,..... | 826, 829, 830, 831 |
| resolution relative to,..... | 365 |
| ratification of amendments to,..... | 629, 687 |
| a Convention to revise,..... | 629, 630 |
| submission to people,..... | 792, 806 |
| publication of, in pamphlet,..... | 799 |
| to be signed by President, Secretary and members,..... | 823 |
| passed,..... | 825 |
| CONTESTED ELECTIONS, | |
| each House of the Legislature to determine,..... | 433, 434 |
| CONVENTION, | |
| resolution relative to annoyances and interruption of,..... | 123 |
| report of select committee on annoyances and interruptions of,..... | 822 |
| CORBIN, WILLIAM, a delegate from Monroe county, | |
| answered to name, sworn in,..... | 4-5 |
| appointed on committee on public lands,..... | 32 |
| " " crimes and punishments,..... | 121 |
| leave of absence granted to,..... | 87, 326, 479, 531, 624 |
| petitions presented by,..... | 116, 146 543 |
| CORPORATIONS, GENERAL, | |
| resolution relative to loans and credit to,..... | 64 |
| " " to paying specific tax,..... | 121, 138, 139 |
| State not to be trustee for,..... | 205 |
| to be formed under general laws,..... | 141, 224 |
| laws creating banks to be submitted to vote, etc.,..... | 141 |
| liability of stockholders of,..... | 205, 233 |
| rights of,..... | 174, 185, 191, 204 |
| credit of State not to be loaned to,..... | 226 |
| CORPORATIONS, MINING, | |
| list of, with date of, location and capital stock,..... | 177, 178, 179, 180, 181, 182, 218. |
| CORPORATIONS, MUNICIPAL, | |
| State not to assume debts of,..... | 246 |
| removal of officers of,..... | 355 |
| organization of,..... | 440, 442 |
| resolution relative to arranging articles under head of,..... | 534 |
| CORPORATIONS OTHER THAN MUNICIPAL, | |
| a committee on, recommended,..... | 15 |
| " authorized,..... | 16 |

| | Page. |
|--|---------------|
| CORPORATIONS OTHER THAN MUNICIPAL—Continued. | |
| a committee on, appointed, | 32 |
| communication from Secretary State, referred to, | 40 |
| discharged from communication of Secretary of State, | 47 |
| resolution relative to a board of railroad commissioners, referred to, | 62 |
| resolution relative to the power of Legislatures to amend and repeal charters, referred to com. on, | 62 |
| report of com. on, recommending that sections 13, 14 and 15, of article 15 of Constitution, be referred to committee on cities and villages, | 80 |
| report of com. on, recommending reference of section 9, of article 15, to committee on miscellaneous provisions, | 111 |
| article on corporations other than municipal, reported by committee on, | 112 |
| article on read twice, referred to committee of the whole, | 112 |
| " considered in committee of the whole, ... 140, 141, 142, 173, 174, 189, 190, 191, 204, 205. | |
| leave granted committee to sit again on, .. 141, 142, 175, 190, 192, | 206 |
| article as amended so far as considered, printed in journal, | 192 |
| motion to recommit with instructions, | 222 |
| laid on the table, | 223 |
| further instructions proposed, | 224 |
| taken from table, | 232 |
| further instructions proposed, | 232-3 |
| yeas and nays on same, | 233, 234, 235 |
| article on, recommit with instructions, | 236 |
| " reported back amended, and laid on the table, | 787 |
| " printed in the journal, | 588 |
| " reprinted, corrected, | 596 |
| " taken from table, amendments to, considered, | 610 |
| " laid on the table, | 610 |
| " taken from the table, | 627 |
| " laid on the table, | 628 |
| " taken from the table, | 736 |
| " amendments offered to, and considered, | 737, |
| 738, 739, 740, 741. | |
| article on, referred to com. on arrangement and phraseology, ... | 741 |
| " reported back, | 745 |
| " printed in the journal, | 746 |
| " passed, | 766 |
| " referred for numerical arrangement, | 767 |
| " arranged numerically, | 787 |
| CORPORATIONS, RELIGIOUS, | |
| relative to taxing property of, | 106 |
| to be formed under general laws, | 233 |
| lands held by, | 739 |
| CORPOREAL PUNISHMENT, | |
| not tolerated, | 498, 499 |
| COUNTIES, | |
| a committee on, recommended, | 15 |
| " authorized, | 16 |
| " appointed, | 32 |
| resolution relative to appeals from decisions of Boards of Auditors, referred to, | 62 |
| resolution relative to building and repairing bridges, referred to, | 76 |
| resolution relative to removing restrictions as to number of towns composing counties, referred to, | 77 |
| resolution relative to filling vacancies in county offices by boards of supervisors, | 104 |

INDEX.

895

| | Page. |
|--|-----------------------------------|
| COUNTIES—Continued. | |
| article on, reported by committee, | 120 |
| " read twice, referred to committee of the whole, | 120 |
| " considered in committee of the whole, ... 297, 298, 299, 300, | |
| 301, 303, 306, 307, 325, 332, 333, 334. | |
| article on, leave granted committee of the whole to sit again on, 298, | |
| 301, 308, 326. | |
| article on, passage of, recommended, | 334 |
| " amendments to, considered, ... 335, 336, 337, 344, 345, 348, | |
| 349, 350, 352. | |
| article on, recommitted to committee on, | 352 |
| " reported back, laid on table and ordered printed in | |
| journal, | 506 |
| article on, taken from the table, | 528 |
| " amendments to, considered, .. 528, 529, 530, 531, 532, 533, 534 | |
| " referred to com. on arrangement and phraseology, | 534 |
| " reported back, printed in the journal, | 612, 613 |
| " amended, | 674 |
| " passed, | 675 |
| " referred for numerical arrangement, | 675 |
| " arranged numerically, | 787 |
| " resolution to reconsider, | 399 |
| relative to population of, for organizing, | 297 |
| organization of, | 299, 300, 337, 347, 348, 349, 359 |
| boundary lines of, | 299 |
| clerk and register, uniting of, in, | 299, 300 |
| prosecuting attorney of, | 300 |
| sheriff of, | 301, 305 |
| boards of supervisors of, | 305, 307, 325, 338, 339 |
| clerk of, to be clerk of circuit court, etc., | 577 |
| court of probate in, | 578 |
| COUNTY AUDITORS, | |
| powers and duties of boards of, | 528, 529, 530, 531, 674 |
| COUNTY SEAT, | |
| removals of, | 306, 307, 335, 533 |
| COURTS OF RECORD, | |
| circuit and supreme courts to be, | 572 |
| ineligibility of judges of, after a certain age, | 609 |
| CRIMES AND PUNISHMENTS, | |
| resolution for appointment of committee on, | 104 |
| committee on, appointed, | 121 |
| report of com. on, | 528 |
| " to be considered with article on legislative department, 528 | |
| consideration of section reported by committee on, | 645 |
| section relating to, not adopted, | 645 |
| CRIMINAL PROSECUTIONS, | |
| relative to, | 403 |
| CROCKER, THOMAS M., a delegate from Macomb county, | |
| answered to name, sworn in, | 4-5 |
| appointed on committee on executive department, | 31 |
| appointed on committee on elections, | 32 |
| leave of absence granted to, | 340, 604, 775 |
| petitions presented by, | 98, 134, 146, 248 |
| CROSWELL, C. M., (see President,) a delegate from Lenawee county, | |
| answered to name and sworn in, | 4-5 |
| vote of thanks to, | 828 |
| D. | |
| DANIELLS, NATHANIEL I., a delegate from Clinton county, | |
| answered to name, sworn in, | 3-5 |
| appointed on committee on exemptions, | 32 |

| | Page. |
|---|----------------------------|
| DANIELLS, NATHANIEL I.— <i>Continued.</i> | |
| appointed on committee on arrangement and phraseology,..... | 32 |
| “ select committee on smoking, etc.,..... | 344 |
| offered resolution of inquiry relative to township officers,..... | 86 |
| “ relative to daily recess,..... | 232 |
| “ to adjourn at noon,..... | 383 |
| “ relative to use of Capitol grounds,..... | 383 |
| leave of absence granted to,..... | 287, 358, 483, 745, 814 |
| petitions presented by,..... | 38, 92, 136, 207, 294, 587 |
| DEATH PENALTY, | |
| for murder in first degree,..... | 528, 645 |
| DELEGATES TO REVISE CONSTITUTION OF STATE, | |
| convened and roll of, called by counties,..... | 3-4 |
| oath of office administered to,..... | 5 |
| roll of, called on balloting for President of the Convention,..... | 5 |
| DESNOYER, PETER, a delegate from Wayne county, | |
| answered to name, sworn in,..... | 4-5 |
| appointed on committee on salaries,..... | 32 |
| “ “ schedule,..... | 32 |
| petitions presented by, (see petitions,) | |
| leave of absence granted to,..... | 143, 391, 611 |
| DETROIT, | |
| memorial of ladies of, on prohibition,..... | 312 |
| common council of, memorial of, ordered printed in journal,..... | 131 |
| DIAGRAM OF HALL OF CONVENTION, | |
| Secretary directed to procure,..... | 17 |
| resolution authorizing additional number of,..... | 483, 595 |
| DIVINE, JOHN, a delegate from Sanilac county, | |
| answered to name, sworn in,..... | 4-5 |
| appointed on committee on employing official reporters,..... | 9 |
| “ “ judicial department,..... | 31 |
| “ “ on counties,..... | 32 |
| leave of absence granted to,..... | 127, 340, 535, 757 |
| petitions presented by,..... | 54, 145, 412, 428 |
| DIVISION OF THE POWERS OF GOVERNMENT, | |
| a committee on, recommended,..... | 14 |
| (For committee on, see Boundaries.) | |
| article on, reported,..... | 69 |
| considered in com. whole,..... | 94 |
| substitute offered for,..... | 94 |
| leave granted to sit again on,..... | 95 |
| considered in com. whole,..... | 96, 106 |
| passage of, recommended,..... | 107 |
| amendments to, considered,..... | 107, 108 |
| referred to com. on arrangement and phraseology,..... | 108 |
| reported back, tabled,..... | 118 |
| taken from table,..... | 164 |
| passed,..... | 167 |
| referred for numerical arrangement,..... | 167 |
| arranged numerically,..... | 787 |
| DOGS, | |
| tax on,..... | 54, 255, 637 |
| DRAPIER, A. & W. H., | |
| propositions of, to report proceedings and debates,..... | 19 |
| proposed as official reporters,..... | 21 |
| compensation voted to,..... | 25 |
| DUNCAN, DELAMORE, a delegate from Kalamazoo county, | |
| answered to name, sworn in,..... | 4-5 |
| appointed on committee on salaries,..... | 32 |
| “ “ “ on corporations other than municipal,... | 32 |

INDEX.

897

| | Page. |
|---|-----------------------------|
| DUNCAN, DELAMORE— <i>Continued.</i> | |
| offered resolution of inquiry relative to sale of unappropriated swamp lands, for school purposes,..... | 85 |
| leave of absence granted to,..... | 37, 109, 407, 410, 495, 796 |
| petitions presented by,..... | 67, 379 |
| DUNCOMBE, CHARLES, a delegate from Van Buren county, | |
| answered to name, sworn in,..... | 4-5 |
| appointed on committee on bill of rights,..... | 32 |
| leave of absence granted to,..... | 27, 410, 595 |
| petitions presented by,..... | 67, 243 |
| DWYER, JAMES T., | |
| petition of, asking recognition of flag and seal of Ireland, ... | 196, 203 |

E.

EDUCATION,

| | |
|---|---------------|
| a committee on, recommended,..... | 15 |
| " authorized,..... | 16 |
| " appointed,..... | 32 |
| resolution relative to free common schools supported by uniform State tax, referred to,..... | 75 |
| resolution relative to compulsory attendance of primary schools, referred to,..... | 76 |
| resolution relative to county superintendents of schools, referred to,..... | 82 |
| resolution relative to making all primary and union schools free, referred to,..... | 84 |
| resolution relative to attendance of children at schools, referred to,..... | 85 |
| resolution relative to applying fines, etc., for support of libraries, " admission of students to University, etc., referred to,..... | 105 |
| resolution relative to prohibiting appropriations of money for support of schools, other than primary, union, boys' reform, etc., referred to,..... | 172 |
| resolution relative to a chair of homeopathy in University, referred to,..... | 224 |
| resolution relative to making public schools free, etc.,..... | 365 |
| article reported by committee on,..... | 472 |
| " read twice, referred to com. of the whole,..... | 472 |
| article on, considered in committee of the whole,..... | 522, 523, 556 |
| 557, 558, 559, 560, 562, 563, 564, 565. | |
| article on, passage of recommended, and laid on table,..... | 565 |
| " printed in journal,..... | 566, 567 |
| " taken from table,..... | 583 |
| " amendments to, considered,..... | 583, 584 |
| 585, 586, 589, 590, 591, 592, 593, 594, 595, 597, 598, 599, 600. | |
| article on, referred to com. on arrangement and phraseology,.... | 600 |
| " reported back,..... | 614 |
| " reprinted in journal,..... | 614, 615, 616 |
| " read third time,..... | 692 |
| " not passed,..... | 693 |
| " reconsidered and passed,..... | 716 |
| " referred for numerical arrangement,..... | 717 |
| " arranged numerically,..... | 787 |
| EIGHT HOUR SYSTEM, | |
| resolution relative to,..... | 64, 73 |
| report of committee on,..... | 80 |
| ELDER, WILLIE, | |
| appointed messenger,..... | 44 |

| | Page. |
|--|--|
| • ELECTIONS, (Elective Franchise,) | |
| a committee on, recommended, | 14 |
| " authorized, | 15 |
| " appointed, | 32 |
| resolution of inquiry relative to extending elective franchise, referred to, | 44 |
| resolution relative to a separate submission of female suffrage, referred to, | 75 |
| resolution relative to suffrage to idiots and demented persons, referred to, | 83 |
| resolution relative to suffrage to citizen soldiers, referred to, | 83 |
| resolution relative to enfranchising reputed deserters, | 84 |
| committee on, requested to accompany report with number of petitions, etc., | 223 |
| motion to take up, | 414 |
| resolution relative to suffrage to women, | 458 |
| " " negroes, | 458, 658, 659, 660 |
| article reported by committee on, | 359 |
| " read twice, referred to committee of the whole, | 360 |
| report of minority of committee of the whole, | 360 |
| article on considered in committee of the whole, 500, 501, 502, 503, 504, 505, 515, 516, 517, 518, 519. | |
| article on, passage of, recommended, | 519 |
| " laid on table, printed in journal, | 520, 521 |
| " taken from table, | 695 |
| " amendments to, considered, 696, 697, 698, 699, 700, 701 | |
| " substitute offered for Sec. 1 of, | 702 |
| " " " lost, | 703 |
| " amendment to, relating to female suffrage, | 704 |
| " referred to com. on arrangement and phraseology, | 705 |
| " reported back amended, | 733 |
| " printed in journal, | 733, 734 |
| " passed, | 767 |
| " referred for numerical arrangement, | 768 |
| " title of, amended, | 768 |
| " arrangement of, numerically, | 787 |
| ELECTORS, | |
| qualifications of, | 501, 503, 505, 519, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 793. |
| while in military or naval service of the United States or this State, | 515, 517 |
| when privileged from arrest, | 517 |
| disqualified for engaging in duel, etc., | 518 |
| ELLIOT, ADAM, a delegate from Barry county, | |
| answered to name, sworn in, | 3-5 |
| appointed on com. on amendment and revision of Constitution, .. | 32 |
| offered resolution of inquiry relative to assessment of property at its cash value, | 84 |
| offered resol'n of inquiry, relative to final decisions of arbitrators, .. | 84 |
| leave of absence granted to, | 391, 462 |
| petitions presented by, (see petitions.) | |
| ENGLISH LANGUAGE, | |
| laws, public records, etc., to be promulgated, preserved and conducted in the, | 618 |
| EQUALIZATION, | |
| of property at cash value, | 261, 262 |
| EQUALIZATION, BOARD OF, | |
| resolution relative to changing, | 85 |
| what to consist of, | 246, 258, 259 |
| Legislature to constitute, after 1873, | 726 |

INDEX.

899

| | Page |
|--|--------------------|
| ESTEE, PERRY H. , a delegate from Midland, Isabella, etc., | |
| announced and sworn in,..... | 36 |
| appointed on committee on printing,..... | 35 |
| leave of absence granted to,..... | 699, 702 |
| petitions presented by,..... | 145, 153, 294, 298 |
| EXECUTIVE DEPARTMENT, | |
| a committee on, recommended,..... | 14 |
| " authorized,..... | 15 |
| " appointed,..... | 32 |
| resolution of inquiry relative to appointment of board of commis- | |
| sioners on applications for pardons,..... | 44 |
| article reported by committee on,..... | 118 |
| read twice, referred to committee of whole,..... | 118 |
| resolution relative to discontinuing office of Lieutenant Governor, | |
| referred to,..... | 139 |
| article on, considered in committee of the whole, ...289, 290, 291, 292 | |
| 293. | |
| leave granted to sit again, on,..... | 291 |
| passage of article on, recommended,..... | 293 |
| article on, amended,..... | 296 |
| " referred to committee on arrangement and phraseol- | |
| ogy, and ordered to third reading,..... | 297 |
| article reported back amended,..... | 509 |
| printed in journal,..... | 509 to 512 |
| made special order for third reading for August 8th,..... | 602 |
| passed,..... | 683 |
| referred to committee on arrangement and phraseology, for nu- | |
| merical arrangement,..... | 673 |
| arranged numerically,..... | 787 |
| EXEMPTIONS, | |
| a committee on, recommended,..... | 15 |
| " " authorized,..... | 16 |
| " " appointed,..... | 32 |
| article on, reported by committee on,..... | 231 |
| " read twice and referred to com. whole,..... | 232 |
| leave granted minority of com. on, to submit report,..... | 232 |
| report of minority of com. on,..... | 253 |
| article on, taken up and considered in com. whole, ...352, 353, 254, 335 | |
| " resolution to recommit with instructions,..... | 364 |
| " leave granted com. whole to sit again on,..... | 353 |
| " amendments to, considered,..... | 357, 366 |
| " referred to com. on arrangement and phraseology,.... | 368 |
| " reported back,..... | 509 |
| " printed in journal,..... | 512 |
| " taken from table,..... | 534 |
| " made special order for third reading,..... | 605 |
| " read third time, amendments offered to, and con- | |
| sidered,..... | 675-77 |
| article on, motion to take up,..... | 679 |
| " taken up and passed,..... | 688 |
| " referred for numerical arrangement,..... | 689 |
| " arranged numerically,.... | 787 |
| FARMER, WILLIAM S. , a delegate from Berrien county, | |
| answered to name, sworn in,..... | 3-5 |
| appointed on committee on elections,..... | 31 |
| " " miscellaneous provisions,..... | 32 |
| offered preamble to Constitution,..... | 384 |
| offered resolution (substitute,) directing librarian to furnish each | |
| delegate a copy of Jameson's Work on Constitutional Conven- | |
| tions, ... | 45 |

| | Page. |
|---|--|
| FARMER, WILLIAM S.,—Continued. | |
| offered resolution of inquiry relative to tests of admission to University, Normal School, etc., | 139 |
| offered resolution instructing State Printer to omit in debates, petition of Jas. T. Dwyer, | 223 |
| offered resolution of inquiry relative to making public schools free to all, | 365 |
| offered resolution to print articles on third reading in bill form, .. | 438 |
| offered resolution to omit a certain memorial in debates, | 456 |
| leave of absence granted to, | 127, 391, 573 |
| petitions presented by, | 194, 309 |
| FEMALE SUFFRAGE, | |
| resolution relative to, | 75 |
| committee on elections requested to accompany report with number of petitions for, arranged, etc., | 223 |
| FERRIS, JACOB, a delegate from Kent county, | |
| answered to name, sworn in, | 4-5 |
| appointed on committee on elections, | 31 |
| " " on intoxicating liquors, | 32 |
| " " on select committee on smoking, | 344 |
| offered resolution asking State Treasurer for information relative to State debt, | 9 |
| offered resolution asking Com. State Land office for information relative to certain lands and land grants, | 10 |
| offered resolution asking Secretary of State for information relative to foreign insurance companies doing business in this State, | 10 |
| offered resolution asking Governor for information, | 10 |
| " " relative to appointment of standing committees, .. | 15 |
| " " to take from table the communication of the State Treasurer, | 39 |
| offered resolution relative to communication of Sec. State, | 40 |
| offered resolution of inquiry relative to granted and reserved powers, | 41 |
| offered resolution of inquiry relative to devoting public lands to actual settlers, | 63 |
| offered resolution of inquiry relative to authorizing counties, towns, cities or villages to aid corporations, associations or companies by voting means or loaning credit, | 64 |
| offered resolution of inquiry relative to judicial circuits and terms of courts, | 32 |
| offered resolution of inquiry relative to abolishing office of judge of probate, | 33 |
| offered resolution of inquiry relative to establishing a bureau of statistics, | 83 |
| offered res. of inquiry relative to organizing cities and villages, .. | 83 |
| " " " to taxing property of societies, etc., .. | 106 |
| " " " to leave of absence, | 149 |
| " " " to opening streets, etc., through burial grounds, | 256 |
| offered resolution referring tobacco petition to a select committee, .. | 332 |
| " " to print extra journals, | 344 |
| leave of absence granted to, | 479, 494, 543, 587, 796 |
| petitions presented by, | 37, 92, 117, 137, 156, 209, 288, 303, 328, 559, 543. |
| FINANCE AND TAXATION, | |
| a committee on, recommended, | 15 |
| " " authorized, | 16 |
| " " appointed, | 32 |
| communication from State Treasurer, referred to, | 39 |

| | Page. |
|---|---|
| FINANCE AND TAXATION—Continued. | |
| resolution relative to abolishing specific taxes, referred to com. on, | 61 |
| " uniform taxation, referred to, | 75 |
| " assessing property at its true value, referred to, | 84 |
| resolution for Legislature to provide a State Board of Equalization from organized counties, referred to, | 85 |
| resolution relative to constructing bridges, referred to, | 104 |
| " exempting property of religious corporations from taxation in certain cases, | 106 |
| article on, reported by committee, | 117 |
| read twice, referred to committee of the whole, | 118 |
| resolution relative to taxing foreign venders of merchandize, etc., | 171 |
| " remitting specific taxes in Upper Peninsula, referred to, | 220 |
| article on, considered in committee of the whole, | 225, 226, 228, 237, 238, 245, 246. |
| leave granted to sit again on, | 226, 228, 239 |
| passage of, recommended by committee of the whole, | 246 |
| amendments made by com. whole, considered in Convention, | 257-264 |
| report of committee on resolution relative to remitting specific taxes in Upper Peninsula, | 224 |
| article on, referred to com. on arrangement and phraseology, | 265 |
| " reported back, laid on table, | 380 |
| " printed in journal, | 381 |
| " taken up and recommitted with instructions, | 726 |
| " reported back as amended, printed in journal, | 727 |
| " passed, | 765 |
| " arranged numerically by committee on arrangement and phraseology, | 787 |
| article on, report of committee on, relative to crediting fines to poor fund, | 654 |
| article on, report of com. on "sundry resolutions of inquiry," | 654 |
| FINES AND FORFEITURES, | |
| relative to abolishing clause in Constitution applying to support of libraries, | 105 |
| FIREMEN, | |
| President authorized to appoint, | 12 |
| appointed, | 18 |
| FOSTER, SEYMOUR, | |
| appointed Postmaster, | 8 |
| GENERAL ASSOCIATION OF CONGREGATIONAL CHURCHES OF MICHIGAN, | |
| memorial of, printed in journal, | 68 |
| GERMAIN, GEORGE W., a delegate from Ionia county, | |
| answered to name, sworn in, | 3-5 |
| appointed on committee on State officers, | 31 |
| offered resolution of inquiry relative to holding annual township meeting, | 75 |
| petitions presented by, | 53, 100, 156, 169 |
| leave of absence granted to, | 127, 143, 208, 241, 248, 265, 295, 302, 303, 327, 372, 406, 494, 637. |
| GIDDINGS, MARSH, a delegate from Kalamazoo county, | |
| answered to name, sworn in, | 4-5 |
| appointed on com. on mode of proceeding to revise Constitution, | 8 |
| appointed chairman com. on amendments and revisions, | 32 |
| " on com. on judicial department, | 31 |
| moved appointment of Sergeant-at-Arms <i>pro tem.</i> , | 5 |
| moved form of oath for swearing in of members, | 5 |
| offered resolution to proceed to elect President, | 5 |
| leave of absence granted to, | 27, 91, 126, 144, 265, 371, 391, 470, 604 |
| petitions presented by, | 66, 78, 116, 133, 208 |

| | Page. |
|---|-------------------------|
| GLENN, THOMAS H., | |
| appointed Secretary <i>pro tem.</i> , | 4 |
| elected Secretary, | 5 |
| vote of thanks to, | 828 |
| GOOD TEMPLARS, | |
| memorial of, printed, | 269 |
| GOODWIN, DANIEL, a delegate from Wayne county, | |
| answered to name, sworn in, | 4-5 |
| appointed on committee on rules, | 17 |
| " legislative department, | 31 |
| " intoxicating liquors, | 32 |
| " chairman of com. of the whole, | 283, 285, |
| 291, 293. | |
| offered resolution to send journals to judges, | 51 |
| " of inquiry relative to judges of probate, | 102 |
| leave of absence granted to, | 27, 127, 340, 419, 595 |
| petitions presented by, | 130 |
| GOODWIN, WM. F., a delegate from Jackson county, | |
| answered to name, sworn in, | 4-5 |
| appointed on committee on education, | 32 |
| " " impeachments, | 32 |
| leave of absence granted to, | 358, 543, 677 |
| petitions presented by, | 208 |
| resolution offered by, for a standing committee on internal im- | |
| provements, | 17 |
| GRAND TEMPLE OF HONOR AND TEMPERANCE, | |
| resolutions of, printed in journal, | 101 |
| GRIEVANCES, | |
| redress of, etc., | 405 |
| GOVERNOR, | |
| invited to take seat within the bar during the session, | 11 |
| requested to communicate certain information to Convention, ... | 10 |
| relative to passage of bills over veto of, | 103 |
| State officers appointed by, | 40, 119 |
| term of office of, | 283 |
| to reside at seat of government, | 284 |
| age of, | 284 |
| election of, | 284, 386, 458, 459 |
| relative to duties of, | 284, 286, 290, 291, 292 |
| impeachment of, | 286, 290 |
| may suspend State officer, etc., | 356 |
| yeas and nays on appointment of State officers by, | 385 |
| passage of bills over veto of, | 439 |
| salary of, | 630, 632, 724, 725 |
| GULICK, ROBERT F., delegate from Keweenaw county, | |
| announced and sworn in, | 14 |
| appointed on com. on judicial department, | 31 |
| " " on intoxicating liquors, | 32 |
| " " on Upper Peninsula, | 121 |
| leave of absence granted to, | 37, 143 |
| petitions presented by, (See petitions.) | |
| HAIRE, JOHN, a delegate from Ottawa county, | |
| present and sworn in, | 14 |
| appointed on committee on exemptions, | 32 |
| " " supplies, | 32 |
| leave of absence granted to, | 78, 265, 410 |
| petitions presented by, | 55, 231 |
| HARRIS, EDWARD P., a delegate from Oakland county, | |
| answered to name, sworn in, | 4-5 |
| appointed on committee on impeachments, | 32 |
| " " schedule, | 32 |

INDEX.

903

| | Page. |
|---|--|
| HARRIS, EDWARD P.,—Continued. | |
| leave of absence granted to,..... | 320, 410, 611, 653 |
| petitions presented by,..... | 206, 288 |
| HAZEN, EZRA, a delegate from St. Clair county, | |
| answered to name, sworn in,..... | 3-5 |
| appointed on committee on corporations other than municipal,... | 32 |
| “ “ public lands,..... | 32 |
| offered resolution of inquiry relative to a homestead to actual settlers,..... | 255 |
| offered resolution for compensation to Librarian, (substitute,)... | 798 |
| leave of absence granted to,..... | 91, 326, 510, 595 |
| petitions presented by,..... | 145 |
| HENDERSON, EDEN F., a delegate from Calhoun county, | |
| answered to name, sworn in,..... | 3-5 |
| appointed on com. on counties,..... | 32 |
| “ “ finance and taxation,..... | 32 |
| chairman com. of the whole,..... | 791, 800 |
| offered resolution relative to postage on documents,..... | 28 |
| “ “ directing Secretary to have rules of Convention printed,..... | 77 |
| offered resolution relative to reports of standing committees,.... | 321 |
| leave of absence granted to,..... | 87, 287, 350, 479, 602, 624 |
| petitions presented by,..... | 109, 133, 194, 242, 247, 248, 303 |
| HENKEL, PETER, a delegate from Wayne county, | |
| announced and sworn in,..... | 66 |
| appointed on com. on cities and villages,..... | 32 |
| “ “ supplies,..... | 32 |
| leave of absence granted to,..... | 91 |
| HIGHWAY COMMISSIONERS, | |
| resolution relative to abolishing office of,..... | 64 |
| relative to one commissioner of,..... | 86, 122 |
| report of com. on,..... | 89 |
| HIXON, DANIEL, a delegate from Washtenaw county, | |
| answered to name, sworn in,..... | 4-5 |
| appointed on committee on counties,..... | 32 |
| leave of absence granted to,..... | 78, 339, 479, 604, 708 |
| petitions presented by, (See Petitions.) | |
| HOLMES, CHARLES D., a delegate from Calhoun county, | |
| answered to name, sworn in,..... | 3-5 |
| appointed on committee on elections,..... | 31 |
| “ “ salaries,..... | 32 |
| offered resolution of inquiry relative to removing restrictions as to number of townships that may compose a county,..... | 77 |
| offered resolution of inquiry relative to establishing a professorship of homeopathy in University,..... | 224 |
| leave of absence granted to,..... | 27, 127, 358, 371, 480, 604, 814 |
| petitions presented by,..... | 115, 136, 145, 155, 480 |
| HOLT, HENRY H., delegate from Muskegon county, | |
| answered to name, sworn in,..... | 4-5 |
| appointed on com. on mode of proceeding to revise Constitution,.... | 8 |
| appointed on committee on judicial department,..... | 31 |
| “ “ cities and villages,..... | 32 |
| offered resolution instructing Sergeant-at-Arms to ascertain occupations of members,..... | 17 |
| offered resolution for appointment of additional messenger,.... | 41 |
| “ “ of thanks to citizens of Lansing,..... | 829 |
| leave of absence granted to,..... | 143 |
| petitions presented by,..... | 66, 129, 240, 249, 379, 428, 737 |
| HOMESTEADS, | |
| from State lands,..... | 255, 685 |
| exempted from forced sale,..... | 334, 355, 357, 358, 368, 675, 676, 688 |

| | Page. |
|---|----------|
| HOUSE OF REPRESENTATIVES, | |
| number of members of,..... | 646 |
| HOWARD, SUMNER, a delegate from Genesee county, | |
| answered to name, sworn in,..... | 4-5 |
| appointed on committee on impeachments,..... | 32 |
| " intoxicating liquors,..... | 32 |
| " crimes and punishments,..... | 121 |
| offered resolution of inquiry relative to pardons,..... | 44 |
| leave of absence granted to,.....27, 78, 127, 143, 265, 378, 419, 479, | |
| 521, 555, 634, 637, 744. | |
| petitions presented by,.....37, 99, 208, 209, 327, 456, 471, 527 | |
| HULL, LEVI T., a delegate from St. Joseph county, | |
| announced and sworn in,..... | 107 |
| appointed chairman committee on printing,..... | 33 |
| appointed on committee on education,..... | 32 |
| leave of absence granted to,.....127, 239, 511 | |
| petitions presented by,.....157, 393, 556 | |
| HUSTON, BENJAMIN W., delegate from Tuscola county, | |
| answered to name, sworn in,..... | 4-5 |
| appointed on committee on military affairs,..... | 32 |
| " amendments and revision of Consti- | |
| tution,..... | 32 |
| called to the chair,..... | 788 |
| offered resolution of inquiry relative to practice, pleadings and | |
| proceedings in courts of record,..... | 63 |
| offered resolution of inquiry relative to equalization of property,..... | 85 |
| offered resolution increasing <i>per diem</i> of Postmaster of Conven- | |
| tion,..... | 515 |
| leave of absence granted to,.....27, 91, 97, 391, 543 | |
| petitions presented by,.....155, 243, 393 | |
| I. | |
| IDIOTIC AND INSANE PERSONS, | |
| resolution relative to voting of,..... | 83 |
| IMPEACHMENT AND REMOVALS FROM OFFICE, | |
| a committee on, recommended,..... | 15 |
| " " authorized,..... | 16 |
| " " appointed,..... | 32 |
| article on, reported by committee,..... | 254 |
| " read twice, referred to committee of the whole,..... | 254 |
| " considered in com. of the whole,.....355, 356 | |
| " passage of, recommended,..... | 356 |
| " amendments made to, in com. whole concurred in,.... | 368 |
| " referred to com. on arrangement and phraseology,.... | 368 |
| " reported back, printed in the journal,.....509, 513 | |
| " laid on the table,..... | 534 |
| " made special order for third reading,..... | 605 |
| " passed,..... | 689 |
| " referred for numerical arrangement,..... | 690 |
| " arranged numerically,..... | 787 |
| IMPEACHMENT, | |
| when may be tried,..... | 355 |
| IMPRISONMENT, | |
| for breach of promise to marry,..... | 404, 497 |
| INDIANS, | |
| relative to suffrage to,..... | 504 |
| included in basis of representation,.....651, 662 | |
| INGALLS, ELEAZER, delegate from Menominee county, | |
| announced and sworn in,..... | 18 |
| appointed on committee on State officers,..... | 31 |

| | Page. |
|--|---|
| INGALLS, ELEAZER—Continued. | |
| appointed on committee on printing, | 33 |
| offered resolution requesting standing committees to report in forty-eight hours, | 39 |
| offered preamble and resolution requesting standing committees to report, etc., | 42 |
| offered resolution requesting an appropriation from General Gov- ernment for construction of a railroad in Upper Peninsula, | 535 |
| leave of absence granted to, | 52, 66, 587 |
| petitions presented by, | 436 |
| INSURANCE COMPANIES, | |
| information relative to, asked for, | 10 |
| tax paid by, | 187 |
| memorial of citizens of Niles relative to, printed in journal, . . . | 487 |
| INTERNAL IMPROVEMENTS, | |
| resolution to appoint a committee on, | 17 |
| lands in the State, | 73 |
| State not to engage in, | 237 |
| specific taxes on, | 764 |
| INTOXICATING LIQUORS, | |
| a standing committee on, authorized, | 16 |
| " " appointed, | 32 |
| resolution relative to license, referred to, | 76 |
| " requesting committee on, to report number of petition- ers for and against prohibition of license, | 139, 223 |
| reports on petitions relating to, | 394, 625 |
| article on prohibition of license, reported by committee on, . . . | 394 |
| " read twice and referred to committee of the whole, . . . | 394 |
| report of moiety of committee on, | 394-5 |
| " " " ref. to com. of the whole, | 395 |
| special order for, proposed, | 408 |
| article on, offered as an amendment to article entitled legislative department, | 476 |
| considered in committee of the whole, | 477 |
| resolution fixing time to take vote on, | 606 |
| " close debate on, | 607 |
| propositions relative to, offered, | 554 |
| " taken up, | 634 |
| " considered, | 635, 636, 638, 639, 640, 641, 642, 643, 750, 751, 752, 753, 754, 755, 756, 759, 760, 761, 762, 763, 772, 775, 776, 777. |
| resolution recommitting article on legislative department recom- mitted, with instructions to report clause for separate submis- sion relative to prohibition and license, | 759 |
| report of committee on legislative department submitting alter- native propositions, | 772, 773, 774 |
| report of com. on legislative department, regulating traffic in, taken up and considered, | 775, 776, 777 |
| motion to recommit article on legislative department with further instructions relative to the sale of, | 779, 780 |
| submission of clause prohibiting sale of, separately, adopted, . . . | 777 |
| J. | |
| JENNISON, HIRAM, a delegate from Ottawa county, (elected but never present.) | |
| appointed on committee on elections, | 31 |
| " " on amendments and revision, | 32 |
| JOURNAL, LEGISLATIVE, | |
| to be kept, etc., | 434 |

| | Page. |
|--|-----------------------------------|
| JUDICIAL DISTRICTS, | |
| resolution relative to organizing, etc., | 82 |
| division of State into, | 570, 609, 794, 804 |
| JUDICIAL STATISTICS, | |
| county clerks, requested to furnish, | 428, 719 |
| furnished by county clerks, | 731, 732, 733 |
| JUSTICES OF THE PEACE, | |
| relative to the number of, | 86, 578 |
| KENNEY, MYRON C., a delegate from Lapeer county, | |
| answered to name, sworn in, | 4-5 |
| appointed on committee on bill of rights, | 32 |
| offered resolution of thanks to Sergeant-at-Arms and Assistant, | 828 |
| leave of absence granted to, | 36, 91, 379, 535 |
| petitions presented by, | 193, 194, 230, 242 |
| LADIES OF LANSING, | |
| invitation to Convention, by, | 334 |
| " of, accepted, | 335 |
| thanks tendered to, | 352 |
| LAMB, JOHN M., a delegate from Lapeer county, | |
| answered to name, sworn in, | 4-5 |
| appointed on committee on rules, | 17 |
| appointed chairman committee on boundaries and seat of government, | 31 |
| appointed on committee on executive department, | 31 |
| appointed on committee on counties, | 32 |
| chairman of committee of the whole, | 481, 484 |
| offered resolution of inquiry relative to voting of idiotic and insane persons, | 83 |
| offered resolution of inquiry relative to voting of citizen soldiers absent from the State, | 83 |
| offered resolution of inquiry relative to disfranchising deserters, etc., | 84 |
| offered resolution of inquiry relative to taxing dogs, | 255 |
| " relative to Constitution, | 365 |
| " " adjournment, | 399 |
| " instructing committee on legislative department to report an article, etc., | 749 |
| offered resolution to increase pay of messengers, | 764 |
| leave of absence granted to, | 143, 231, 410, 479 |
| petitions presented by, | 37, 249, 327, 373, 730 |
| reported article on boundaries, etc., | 69 |
| LANSING, | |
| seat of government established at, (See Boundaries.) | |
| vote of thanks to citizens of, | 829 |
| LAWRENCE, BENJAMIN W., a delegate from Livingston county, | |
| answered to name, sworn in, | 4-5 |
| appointed on committee on counties, | 32 |
| offered resolution instructing agent of State prison to report number of persons therein sentenced for murder in the first degree, | 283 |
| offered resolution relative to report of agent of State prison, | 374 |
| leave of absence granted to, | 127, 379, 595, 741, 814 |
| LEACH, DEWITT C., delegate from Grand Traverse county, | |
| answered to name, sworn in, | 4-5 |
| appointed chairman committee on finance and taxation, | 32 |
| " on committee on boundaries and seat of government, | 31 |
| " " on "disorderly member," | 123 |
| moved appointment of Secretary <i>pro tem.</i> , | 4 |
| chairman of com. of the whole, | 297, 298, 304, 307, 327, 332, 334 |
| offered resolution appointing Seymour Foster Postmaster of Convention, | 5 |

| | Page |
|---|---------|
| LEACH, DEWITT C.— <i>Continued.</i> | |
| offered resolution instructing State Printer to forward journals to newspapers, | 12 |
| offered resolution designating days when resolutions of inquiry are in order, | 77 |
| offered resolution relative to a com. to report provisions for Upper Peninsula, | 105 |
| offered resolution relative to hour of meeting, | 171 |
| " " granting Mr. Burtch indefinite leave of absence, | 223 |
| " " of thanks to ladies of Lansing, | 335 |
| " " relative to reconsidering articles on counties and townships, | 399 |
| offered resolution fixing <i>per diem</i> of certain officers and attaches of Convention, | 504 |
| offered resolution to close debate on prohibition of license, | 607 |
| " " requesting Secretary to index journals, etc., | 787 |
| made reports from com. on finance and taxation, | 727 |
| petitions presented by, (see petitions.) | |
| leave of absence granted to, | 406 |
| reported article on finance and taxation, | 117 |
| LEGISLATIVE DEPARTMENT, | |
| a committee on, recommended, | 14 |
| " authorized, | 15 |
| " appointed, | 32 |
| resolution relative to election of Senators, referred to, | 40 |
| " publication of certain laws, referred to, | 40 |
| " annual sessions of Legislature, ref'd to, | 61 |
| " establishing eight hours as a legal day's work, referred to, | 73 |
| resolution relative to employment of chaplains by Legislature, referred to, | 76 |
| report of, on sections 30 and 34, of article 4, | 81 |
| report of, recommending that sections 39 to 46, inclusive, of article 4, be referred to committee on bill of rights, | 81 |
| report of, recommending that section 47, article 4, of Constitution, be referred to committee on intoxicating liquors, | 82 |
| resolution relative to decisions of arbitrators, referred to, | 84 |
| " restricting number of notaries public, referred to committee on, | 85 |
| resolution relative to amendments to laws, referred to com. on, .. | 85 |
| " authorizing county, town or city aid to corporations, loan of credit, etc., referred to com. on, | 64 |
| resolution relative to establishing eight hours as a legal day's work, referred to com. on, | 64 |
| resolution on same subject referred to com. on, | 73 |
| report of com. on, on resolutions relative to establishing eight hours as a day's work, | 80 |
| resolution relative to restricting veto power, referred to com. on, .. | 103 |
| " " allowing two Senators from Upper Peninsula, referred to com. on, | 220 |
| resolution relative to imposing special tax on dogs, referred to com. on, | 255 |
| article on, reported by committee, | 376 |
| " read twice, referred to committee of the whole, | 377 |
| " considered in committee of the whole, ... 424, 425, 426, 429, 430, 431, 433, 434, 435, 438, 439, 440, 441, 442, 443, 450, 451, 452, 453, 454, 455, 460, 461, 464, 465, 466, 467, 468, 469 470, 473, 474, 475, 476, 477, 478, 481, 482, 483, 484, 485. | |
| article on, passage of, recommended, | 485 |
| " printed in the journal, | 486-493 |
| " made special order, | 486 |

INDEX.

909

Page.

LEGISLATIVE DEPARTMENT—*Continued.*

| | |
|---|---|
| article on, amendments to, considered in Convention, | 540, 541, 542, 544, 545, 546, 547, 548, 552, 553, 554, 555. |
| article on, further consideration of amendments to, made special order, | 555 |
| article on, taken up, amendments to, considered, | 600, 601, 602, 603, 608. |
| article on, laid on the table, | 608 |
| " taken from the table, | 634 |
| " amendments to, considered, | 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 661, 662, 663, 664, 665. |
| article on, referred to com. on arrangement and phraseology, | 665 |
| " reprinted in the journal, | 666-672 |
| " reported back, | 708 |
| " reprinted in the journal, amended, | 709-716 |
| " not passed, | 744 |
| " motion to reconsider made and withdrawn, | 748 |
| resolution instructing com. on, to report etc., | 749 |
| proceedings on above res., | 750-757 |
| article on, motion for reconsideration of, | 758 |
| " reconsideration of, | 758 |
| " motion to lay on table lost, | 759 |
| " resolutions to recommit, | 759-760 |
| proceedings on above, | 760-764 |
| article on, recommitted to committee on, | 763 |
| " reported back, | 772 |
| " amendments to, laid on table and printed in journal, | 772-774 |
| " rep. by com. on, taken from table, | 775 |
| " proceedings had on, | 776-778 |
| " motion to recommit, | 779 |
| " consideration of resumed, | 780, 781 |
| " passed, | 782 |
| " referred for numerical arrangement, | 783 |
| " arranged numerically, | 787 |

(See also, Intoxicating Liquors.)

LEGISLATURE,

| | |
|--|---------------------|
| bills to originate in either house of, | 435 |
| " new, introduced after fifty days, only by two-thirds vote, | 435, 542 |
| compensation of members of, | 430 |
| sessions of, since 1850, | 437 |
| duties of, in providing means to pay current expenses of State government, | 439, 440, 545, 546 |
| prohibited from establishing a State paper, | 440 |
| not to grant extra compensation to contractors, by, | 443, 450, 451, 664. |
| not to pass special acts changing names of persons, | 453 |
| to provide for registration of voters, | 517 |
| to provide for a system of primary schools, | 523 |
| power of, over dams, drains, ditches, etc., | 620, 621 |
| number of members in House of Representatives of the, | 646 |
| meeting of, | 652, 760, 772, 777 |

LIBRARIAN,

| | |
|---|----------|
| requested to suspend map of Michigan, in Hall, | 39 |
| " retain one copy of books, papers, etc., belonging in library, | 42 |
| instructed to furnish Jameson's Work on Constitutional Conventions, | 45, 46 |
| directions to exchange debates and proceedings, | 256 |
| communication from, relative to exchanges, | 360, 500 |

| | Page. |
|--|---|
| LIBRARIAN—Continued. | |
| requested to furnish information in regard to length of Legisla- ture, | 432 |
| resolution relative to indexing debates by, | 687, 788 |
| compensation to, | 797, 798, 817 |
| LIBRARY, | |
| township and city, | 560, 562, 563, 585, 586, 589, 590 |
| journal and debates for inter-State exchanges, deposited in, | 823 |
| LIENS, | |
| exempted property subject to, | 352, 366, 674 |
| LIEUTENANT GOVERNOR, | |
| resolution relative to discontinuing office of, | 139 |
| election of, | 284, 386 |
| as chairman of board of State Auditors, | 293, 610 |
| eligibility of, | 296 |
| <i>per diem</i> of, | 431, 433 |
| salary of, | 541 |
| LONGYEAR, JOHN W., a delegate from Ingham county, | |
| answered to name, sworn in, | 4-5 |
| appointed on committee on employing official reporters, | 9 |
| " chairman of committee on public lands, | 32 |
| " on committee on boundaries and seat of government, .. | 31 |
| " " Upper Peninsula, | 121 |
| chairman committee of the whole, | 113, 122, 123 |
| offered resolution relative to printing proceedings and debates, .. | 24 |
| " granting use of Representative Hall to Young Men's Society, for lecture of Hon. Schuyler Colfax, | 26 |
| offered resolution relative to adjournment, | 26 |
| " of inquiry relative to sale of swamp lands, | 105 |
| " " establishment and endow- ment of female college, | 106 |
| leave of absence granted to, | 301, 326, 436, 479, 542, 677 |
| petitions presented by, | 52, 168, 287, 379, 471 |
| LORD AND BROWN, | |
| proposition to report proceedings and debates, | 19 |
| resolution to employ, as official reporters, | 20 |
| LOTHROP, G. V. N., a delegate from Wayne county, | |
| announced and sworn in, | 36 |
| appointed on committee on judicial department, | 31 |
| " " on education, | 32 |
| offered resolution of inquiry relative to preventing public officers from using public moneys, | 428 |
| offered resolution relative to submitting alternate propositions to the people relative to traffic in intoxicating liquors, | 544 |
| offered resolution relative to submitting separately the question of suffrage to colored men, | 658 |
| leave of absence granted to, | 87, 127, 143, 247, 168, 407, 433, 483, 604, 653. |
| petitions presented by, | 100, 131, 373, 527 |
| LOVELL, HENRY R., a delegate from Genesee county, | |
| answered to name, sworn in, | 3-5 |
| appointed on committee on judicial department, | 31 |
| " " on exemptions, | 32 |
| " " on select com. on smoking, etc., | 344 |
| offered resolution of inquiry relative to elective franchise, | 44 |
| " " " to veto power of Governor, .. | 103 |
| " " giving members an opportunity to explain their propositions to standing committees, | 105 |
| offered resolution for Sergeant-at-Arms to prepare a list of names, ages, nativity, etc., of members, | 245 |

INDEX.

911

| | Page. |
|--|---------------|
| LOVELL, HENRY R.—Continued. | |
| offered resolution to exchange journals, etc., with N. Y. Constitutional Convention,..... | 256 |
| offered resolution relative to Manual,..... | 283 |
| “ “ instructing Sergeant-at-Arms to divide seats into sections for distribution of N. Y. debates,..... | 537 |
| leave of absence granted to,..... | 432 |
| petitions presented by,..... | 134, 241 |
| LUCE, CYRUS G., a delegate from Branch county, | |
| answered to name, sworn in,..... | 3-5 |
| appointed on committee on mode of proceeding to revise Constitution,..... | 8 |
| appointed chairman committee on counties,..... | 32 |
| “ on committee on legislative department,..... | 31 |
| offered resolution instructing State Printer to forward daily journals to newspapers and county clerks, (substitute,)..... | 24 |
| offered resolution relative to <i>per diem</i> during recess,..... | 320 |
| chairman of committee of the whole,..... | 352, 356 |
| leave of absence granted to,..... | 410 |
| petitions presented by,..... | 137, 359, 495 |
| reported article on counties,..... | 120 |

M.

| | |
|--|-------------------------|
| MANUAL OF CONVENTION, | |
| ordered published,..... | 244 |
| contents of,..... | 255, 283 |
| MARTIN, CLAUDE, | |
| appointed messenger,..... | 44 |
| MASONIC INCORPORATIONS, | |
| statement relative to,..... | 185 |
| McCLELLAND, ROBERT, a delegate from Wayne county, | |
| answered to name, sworn in,..... | 4-5 |
| appointed on committee on mode of proceeding to revise Constitution,..... | 8 |
| appointed on committee on executive department,..... | 31 |
| “ “ finance and taxation,..... | 32 |
| chairman of committee of the whole,..... | 141, 173, 188, 190, 204 |
| offered resolution requesting Secretary of State to furnish vote on adoption of amendments to present Constitution, etc.,..... | 29 |
| offered resolution of inquiry relative to election of State Senators,..... | 40 |
| “ “ “ appointing State officers,..... | 40 |
| “ “ “ judges of the higher courts,..... | 40 |
| offered resolution of inquiry relative to number of judges in the highest court,..... | 40 |
| offered resolution of inquiry relative to publication of laws taking immediate effect,..... | 40 |
| offered resolution of inquiry relative to adoption of Constitutional amendments,..... | 72 |
| offered resolution of inquiry relative to compensation of clergymen,..... | 113 |
| offered resolution asking Auditor General for information as to length and expense of last three sessions of Legislature,..... | 120 |
| offered resolution of inquiry relative to appointment of mayors of cities,..... | 163 |
| offered resolution of inquiry relative to a board of governors of prisons,..... | 163 |
| offered resolution requesting Secretary of State for information relative to pardons since 1850, by Governors,..... | 203 |

| | Page |
|---|--|
| McCLELLAND, ROBERT—Continued. | |
| offered resolution recommitting article on legislative department, with instructions relative to prohibition and annual sessions of Legislature,..... | 759 |
| offered resolution of thanks to President,..... | 828 |
| reception of Hon. Schuyler Colfax, moved by,..... | 149 |
| leave of absence granted to,..... | 87, 327, 479, 603 |
| petitions presented by,..... | 110, 130, 144, 267, 303, 373 |
| McCONNELL, WILLARD M., a delegate from Oakland county, | |
| answered to name, sworn in,..... | 4-5 |
| appointed on committee on finance and taxation,..... | 32 |
| " " on military affairs,..... | 32 |
| leave of absence granted to,..... | 27, 287, 407, 483 |
| petitions presented by,..... | 53, 79, 109, 116, 135, 155, 231, 313, 444, 456. |
| McKERNAN, JOHN Q., delegate from Houghton county, | |
| announced and sworn in,..... | 88 |
| appointed on committee on salaries,..... | 32 |
| " " on miscellaneous provisions,..... | 32 |
| " " on Upper Peninsula,..... | 121 |
| offered resolution to provide for a standing committee on Upper Peninsula,..... | 105 |
| offered resolution to provide compensation for librarian,..... | 727 |
| leave of absence granted to,..... | 115, 126, 287 |
| petitions presented by,..... | 156, 209, 308, 313 |
| MEMBER OF THE LEGISLATURE, | |
| certain counties to have, but without a vote,..... | 429 |
| compensation of,..... | 429, 430, 431, 661 |
| expulsion of,..... | 429 |
| ineligibility of certain persons for,..... | 417, 424, 650 |
| not to receive civil appointments,..... | 415, 416, 417 |
| privileged from arrest, etc.,..... | 665 |
| MESSENGERS, | |
| resolution authorizing appointment of,..... | 9 |
| appointment of announced,..... | 44 |
| resolution for an additional messenger for reporters,..... | 41 |
| use of grounds in front of Capitol granted to,..... | 237 |
| relative to play-grounds for,..... | 256 |
| explaining resolution relative to Capitol grounds for use of,..... | 383, 457 |
| Bible presented to President by,..... | 537, 538 |
| journals and debates for,..... | 813 |
| extra compensation to,..... | 816, 818 |
| vote of thanks to,..... | 829 |
| MICHIGAN CENTRAL RAILROAD, | |
| tendering special train to convey Convention to Detroit and re- turn, by Supt. of,..... | 229 |
| MICHIGAN SOLDIERS' MONUMENT ASSOCIATION, | |
| Convention invited to attend laying corner-stone of,..... | 289 |
| recess to receive ladies representing,..... | 298 |
| thanks to ladies representing,..... | 304 |
| invitation of, accepted,..... | 332 |
| resolution relative to invitation from,..... | 399 |
| MILITIA, | |
| composed of whom,..... | 493 |
| officers of,..... | 493 |
| MILEAGE, | |
| of members of Convention, com. on supplies requested to ascer- tain,..... | 104 |
| report of com. on supplies on,..... | 250, 251, 252, 253 |

913

115

| | Page. |
|--|------------------------------------|
| MISCELLANEOUS PROVISIONS—Continued. | |
| article on, amendments to, considered,..... | 679, 680, 681, 682, 683, 684, 685. |
| article on, recommitted with instructions,..... | 685 |
| “ reported back,..... | 686 |
| “ amendment to, concurred in,..... | 686-7 |
| “ referred to committee on arrangement and phraseology, | 687 |
| article on, reported back,..... | 694 |
| “ printed in journal,..... | 694, 695 |
| “ read third time,..... | 741 |
| “ amended and passed,..... | 743 |
| “ referred for numerical arrangement,..... | 743 |
| “ arranged numerically,..... | 787 |
| MODE OF PROCEEDING TO REVISION OF CONSTITUTION, | |
| resolution to appoint committee on,..... | 8 |
| committee appointed on,..... | 8 |
| report of committee on,..... | 14 |
| resolution of committee on,..... | 15 |
| resolution to instruct committee on, to report names of standing committees,..... | 15 |
| resolution instructing committee on, relative to constitutional amendments submitted by Legislature,..... | 72 |
| MONTGOMERY, GEORGE L., | |
| appointed as Assistant Sergeant-at-Arms,..... | 17 |
| vote of thanks to,..... | 828 |
| NATIONAL BANKS, | |
| taxation of shares of stockholders in,..... | 472 |
| NATIONAL FINANCE, | |
| resolutions relative to,..... | 822 |
| MORTON, EDWARD G., a delegate from Monroe county, | |
| answered to name, sworn in,..... | 4-5 |
| appointed on committee on employing official reporters,..... | 9 |
| “ legislative department,..... | 31 |
| “ printing,..... | 33 |
| “ “disorderly member,”..... | 123 |
| chairman committee of the whole,..... | 500, 503, 504, 515 |
| offered resolution directing Secretary to have present Constitution printed in bill form,..... | 13 |
| offered resolution relative to printing debates in book form,..... | 63 |
| “ limiting postage of members,..... | 65 |
| “ to rescind postage resolution,..... | 28 |
| “ of inquiry relative to appropriations of money for schools,..... | 172 |
| offered resolution granting use of Senate Chamber to Prof. Grimes,..... | 188 |
| offered resolution permitting messengers to use grounds in front of Capitol,..... | 237 |
| offered resolution directing State Printer to transmit copies of journal, etc., (substitute,)..... | 799 |
| offered resolution relative to binding of journals and debates,.... | 800 |
| “ directing Secretary of State to forward bound copies of journals and debates,..... | 800 |
| offered resolution for Secretary of State to forward bound copies of journals and debates to members, officers, etc.,..... | 820 |
| offered resolution relative to depositing journals and debates in State library for inter-State exchanges,..... | 823 |
| official reporters,..... | 828 |
| leave of absence granted to,..... | 265, 391, 543 |
| petitions presented by,..... | 116, 146, 304, 380, 414 |

| | Page. |
|--|--|
| MUSGRAVE, JOSEPH, a delegate from Eaton county, | |
| answered to name, sworn in, | 3-5 |
| appointed on committee on salaries, | 32 |
| " " on finance and taxation, | 32 |
| offered resolution of inquiry relative to annual sessions of Leg- islature, | 61 |
| leave of absence granted to, | 126, 265, 441, 479, 543, 604 |
| petitions presented by, | 78, 169, 176 |
| MURRAY, LYMAN, a delegate from Kent county, | |
| answered to name, sworn in, | 4-5 |
| appointed on committee on impeachments, | 32 |
| " " on crimes and punishments, | 121 |
| leave of absence granted to, | 91, 115, 410 |
| petitions presented by, | 136, 171, 196, 313 |
| MUSSEY, DEXTER, a delegate from Macomb county, | |
| answered to name, sworn in, | 4-5 |
| appointed on com. on mode of proceeding to revise Constitution, | 8 |
| " chairman of committee on salaries, | 32 |
| " " on com. on executive department, | 31 |
| moved appointment of tellers, | 5 |
| chairman com. of the whole, | 86, 93, 95, 106 |
| offered resolution relative to explanations accompanying reports of standing committees, | 82 |
| offered resolution requesting Aud. General to furnish information as to appropriations to State Normal School, | 254 |
| offered resolution (substitute) to recommit article on legislative department, with instructions relative to prohibition, and ses- sions of the legislature, | 760 |
| offered resolution relative to distribution of N. Y. journals and debates, | 820 |
| report of, as chairmn of com. whole, | 87 |
| leave of absence granted to, | 392, 495 |
| petitions presented by, | 38, 93, 99, 171, 194, 206, 243, 327, 419, 420, 427. |
| N. | |
| NEWSPAPERS, | |
| journals, etc., sent to, | 24, 25 |
| editors of, etc., invited to present views as to required changes in Constitution, | 29 |
| resolution requesting State Printer to furnish list of, to which journals, etc., are sent, | 121 |
| list of, to which journals, etc., are sent, | 159 |
| resolution relative to publication of certain laws in, | 40 |
| NEW YORK CONVENTION DEBATES, | |
| resolution for exchanges, | 256 |
| communication relative to, | 360, 500 |
| distribution of, | 502, 820 |
| NINDE, THOMAS, a delegate from Washtenaw county, | |
| answered to name, sworn in, | 4-5 |
| appointed chairman committee on arrangement and phraseology, | 32 |
| " on committee on intoxicating liquors, | 32 |
| petitions presented by, (see petitions.) | |
| leave of absence granted to, | 87, 247, 410, 243, 456 |
| NORMAL SCHOOL, | |
| admission of students to, | 139 |
| information asked for relative to appropriations to, | 254 |
| appropriations for support of, | 343 |
| establishment of, | 565 |

| | Page. |
|---|----------|
| NORRIS, LYMAN D., a delegate from Washtenaw county, | |
| answered to name, sworn in,..... | 4-5 |
| appointed on committee on mode of proceeding to revise Constitution,..... | 8 |
| appointed chairman committee on crimes and punishments,..... | 121 |
| " on committee on judicial department,..... | 31 |
| appointed on committee on schedule,..... | 32 |
| offered resolution inviting editors of newspapers to present views of required changes in the Constitution,..... | 29 |
| offered resolution for appointment of a committee on crimes and punishments,..... | 104 |
| offered resolution directing Secretary to procure proofs of proceedings and debates,..... | 120 |
| offered resolution requesting committee on intoxicating liquors to accompany report with number of petitioners, etc.,..... | 139 |
| offered resolution directing Secretary to have new Constitution enrolled on parchment,..... | 223 |
| offered resolution requesting committees on intoxicating liquors and elections, to accompany their reports with number of petitioners thereon,..... | 223 |
| offered resolution relative to attending laying corner stone of Soldiers' Monument,..... | 399 |
| offered resolution instructing Secretary to notify clerks of certain counties to transmit judicial statistics,..... | 719 |
| leave of absence granted to,.....87, 247, 350, 573, 757 | |
| petitions presented by,.....303, 341, 421 | |
| NOTARIES PUBLIC, | |
| resolution relative to restricting number of, in counties,..... | 85 |
| O. | |
| OATH OF OFFICE, | |
| administered to members,..... | 5 |
| form of, proposed,..... | 5 |
| constitutional, relative to,..... | 617, 618 |
| OATH, | |
| list of taxable property to be given under,..... | 263, 686 |
| OCCUPATION OF MEMBERS, | |
| Sergeant-at-Arms directed to ascertain and report,..... | 17 |
| report of Sergeant-at-Arms on,..... | 328 |
| OFFICIAL REPORTERS, | |
| resolution relative to employing,..... | 8 |
| committee appointed relative to,..... | 9 |
| report of com. on,..... | 18 |
| resolution to employ,..... | 20 |
| books, documents, stationery, etc., to,..... | 31 |
| indexing debates by,..... | 788, 821 |
| vote of thanks to,..... | 828 |
| P. | |
| PARDONS, | |
| resolution asking Secretary of State for information relative to number of, granted by each Governor,..... | 203 |
| resolution relative to creating a board of com'rs on,..... | 44 |
| number of, granted since 1850,..... | 270 |
| list of, granted since 1850,..... | 271-282 |
| power of Governor to grant,..... | 286 |
| PARSONS, S. T., a delegate from Shiawassee county, | |
| answered to name, sworn in,..... | 4-5 |
| appointed on com. on mode of proceeding to revise Constitution,..... | 8 |
| " " legislative department,..... | 31 |
| leave of absence granted to,.....91, 247, 406, 483, 543, 677 | |
| petitions presented by,.....38, 98, 116, 627 | |

| | Page. |
|--|---|
| PER DIEM, | |
| of members of Convention during absence, | 320, |
| 321, 401, 402, 606, 824. | |
| of members of Legislature, | 661, 664 |
| PERSONAL PROPERTY, | |
| exemptions of, | 352, 353, 354, 367 |
| PETITIONS, | |
| for prohibition of license, | 28, 30, 37, 38, 39, 52, |
| 53, 54, 55, 66, 67, 78, 79, 97, 98, 99, 100, 101, 109, 110, 117, 130, 135, | |
| 136, 144, 145, 147, 148, 154, 155, 156, 157, 169, 170, 171, 175, 176, 194, | |
| 196, 206, 207, 208, 209, 210, 230, 231, 240, 241, 242, 243, 248, 249, 266, | |
| 267, 268, 269, 294, 295, 296, 302, 303, 310, 311, 312, 313, 314, 327, 340, | |
| 341, 351, 358, 359, 371, 372, 373, 379, 380, 392, 393, 411, 412, 419, 420, | |
| 427, 428, 436, 444, 449, 456, 471, 474, 480, 481, 527, 543, 604, 624, | |
| 730. | |
| against prohibition, | 28, 54, 79, 95, 98, 99, |
| 100, 110, 111, 115, 116, 117, 129, 130, 131, 132, 133, 134, 135, 136, | |
| 144, 146, 148, 153, 155, 156, 157, 168, 170, 176, 193, 194, 196, 208, | |
| 209, 230, 241, 242, 249, 294, 302, 303, 304, 310, 313, 340, 341, 359, | |
| 372, 373, 379, 380, 412, 427, 428, 462, 506, 587. | |
| for female suffrage, | 38, 52, 66, 67, 78, 88, |
| 89, 100, 110, 111, 115, 136, 137, 145, 153, 154, 155, 156, 157, 168, 171, | |
| 194, 207, 241, 243, 249, 266, 267, 294, 310, 327, 350, 351, 359, 379, | |
| 380, 393, 411, 421, 427, 444, 471, 495, 527, 543, 556, 587. | |
| against female suffrage, | 209 |
| on impartial suffrage, | 67, 44 |
| memorial of township board of Lansing, to hold elections in city | |
| of, | 168 |
| of citizens of Bangor township, to hold elections in village of | |
| Bangor, | 295, 313 |
| for appointment of clerk of courts of record and prosecuting at- | |
| torney, by judges, | 207 |
| for election of judges, | 241 |
| for two Senators in Upper Peninsula, | 308 |
| for creating a court of appeals, | 313 |
| for prohibiting smoking on streets of towns, villages and cities, .. | 327 |
| for mining associations to have a majority of their directors in | |
| this State, and make quarterly reports, | 373 |
| to secure widows the fee of one-third of husband's estate, | 419 |
| relative to disposal of State lands, | 420, 471, 797 |
| against granting special charters for insurance companies, | 480 |
| for incorporating certain recognitions of Divine authority, in the | |
| Constitution, | 694 |
| against pardon of persons convicted of murder, except by a two- | |
| thirds vote of the Legislature, | 53 |
| for tax on dogs, | 54, 637 |
| on powers of towns and cities, in works of internal improvements, .. | 55 |
| on recognition of Kingdom of Ireland, | 196 |
| relative to the judiciary, | 421 |
| for appointment of circuit and supreme court judges by Governor | |
| and Senate, | 78, 194, 206, 207, 229, 230, 231, 267, 313, 328, 341, |
| 373, 393, 420, 421, 436. | |
| for increase of salaries of judges, | 194, 206, 207, 229, 230, 313, 328, |
| 341, 373, 421. | |
| on death penalty for murder in first degree, | 145 |
| on placing fines in criminal cases to the credit of fund for sup- | |
| port of poor, | 146, 169, 243, 341, 436 |
| for remedy for unequal taxation, | 156, 158 |
| PORTER, WILLIE, | |
| appointed Secretary's messenger, | 44 |

| | Page. |
|---|-----------------------------|
| POSTAGE, | |
| resolution relative to, adopted, | 26 |
| supplementary resolution relating to, tabled, | 29 |
| resolution to limit amount of, | 65 |
| resolution relative to account of, kept with members, | 64 |
| resolution for postmaster to furnish members with stamps, etc., | 121 |
| POSTMASTER, | |
| resolution to appoint, offered, | 7 |
| substitute for, (lost,) | 8 |
| amendment to original resolution, | 8 |
| resolution adopted, | 8 |
| " to keep accounts of postage with members, | 64 |
| " to furnish stamps by, and keep account thereof, | 121 |
| directed to procure stamps, etc., | 26, 42, 43 |
| <i>per diem</i> of, increased, | 515 |
| to forward journal and debates, | 799 |
| POWERS OF GOVERNMENT, | |
| belonging to one department, not to be exercised by another department, | 94, 96, 108, 119 |
| PRACTICE, PLEADINGS AND PROCEEDINGS IN COURTS OF RECORD, | |
| resolution relative to appointment of commissioners to abridge and simplify, | 63 |
| PRATT, DANIEL L., a delegate from Hillsdale county, | |
| answered to name, sworn in, | 3-5 |
| appointed on committee on employing official reporters, | 9 |
| appointed chairman of committee on bill of rights, | 32 |
| appointed on committee on judicial department, | 31 |
| offered resolution requesting Librarian to suspend in the Hall a map of Michigan, for use of Convention, | 39 |
| offered resolution of inquiry relative to abolishing specific taxes, | 61 |
| " " " a board of railroad commissioners, | 62 |
| offered resolution of inquiry relative to the power of this Convention to authorize the Legislature to amend or repeal charters, .. | 62 |
| offered resolution to refer resolutions of inquiry without motion, .. | 74 |
| " requesting State Treasurer for information relative to companies, etc., paying specific taxes, | 120 |
| offered resolution requesting Auditor General to communicate information relative to corporations, etc., paying specific taxes, etc., | 139 |
| offered resolution of thanks to clergy, | 829 |
| leave of absence granted to, | 78, 127, 239, 308, 410, 627 |
| petitions presented by, | 53, 137, 145, 158, 194, 436 |
| PREAMBLE TO CONSTITUTION, | |
| resolution requesting com. on arrangement and phraseology to prepare a, | 103 |
| offered, by Mr. Farmer, | 384 |
| petition relative to, printed in journal, | 384 |
| reported by committee, | 747 |
| substitute offered for, | 747 |
| amendment to, | 748 |
| substitute for, | 785, 786 |
| PRESIDENT OF CONVENTION, | |
| resolution to elect by ballot, | 5 |
| tellers appointed to count ballots for, | 5 |
| elected, | 5 |
| committee appointed to conduct to chair, | 6 |
| remarks accepting position of, | 6 |
| standing committees announced by, | 31 |
| appointment of firemen by, | 18 |
| appointment of messengers by, | 44 |

| | Page. |
|---|---|
| PRESIDENT OF CONVENTION—Continued. | |
| appeal from decision of, | 90, 96 |
| remarks of, introducing Hon. Schuyler Colfax, | 160 |
| leave of absence granted to, | 528, 778 |
| petitions presented by, | 67, 100, 268 |
| select committee on smoking in public streets, appointed by, | 344 |
| presentation of Bible to, | 537 |
| remarks on presentation of Bible, | 538, 539 |
| remarks of, on final adjournment, | 838, 839, 840, 841 |
| PRESIDENT pro tempore, | |
| appointed, | 4 |
| appointment of tellers by, | 5 |
| announced election of President, | 6 |
| committee to conduct President elect to chair, appointed by, | 6 |
| PRESS, | |
| freedom of, not to be abridged, | 388 |
| PRIMARY SCHOOLS, | |
| attendance of children at, | 76 |
| free of tuition, | 84 |
| uniform tax for support of, | 583 |
| PRINGLE, EUGENE, a delegate from Jackson county, | |
| answered to name, sworn in, | 3-5 |
| appointed chairman of select committee on official reporters, | 9 |
| “ “ “ “ committee on corporations other than municipal, | 32 |
| appointed on committee on legislative department, | 31 |
| “ “ “ “ “disorderly member,” | 123 |
| chairman committee of the whole, | 413, 416, 424, 425, 429, 433, 438, 441, 450, 452, 460, 461, 464, 467, 473, 474. |
| moved that the constitutional oath be administered to members, .. | 5 |
| offered resolution relative to employment of official reporters, | 8 |
| “ “ “ “ to enlarge committee on arrangement and phraseology, | 17 |
| offered resolution to pay A. & W. H. Drapier for volunteer services as reporters, | 25 |
| offered resolution allowing official reporters such papers, documents, etc., as are allowed to members, | 31 |
| offered res. relative to erasures and interlineations in Constitution, .. | 826 |
| leave of absence granted to, | 37, 239, 436, 556, 602 |
| made report from committee on corporations, | 111 |
| petitions presented by, | 28, 37, 95, 133, 229 |
| reported article on corporations other than municipal, | 112 |
| made second report on article on corporations, etc., | 787 |
| PRINTING, | |
| a committee on, recommended, | 15 |
| “ “ authorized, | 16 |
| “ “ appointed, | 33 |
| resolution relative to placing title headings to pages of debates, referred to, | 77 |
| report on title headings, | 81 |
| resolution for com. on, to recommend form for publishing debates, .. | 25 |
| report of com. on, relative to form of publishing debates, | 61 |
| resolution relative to proof-sheets of debates referred to com. on, .. | 120 |
| report of com. on, relative to proof-sheets of debates, | 158 |
| com. on, directed to procure Manual published, | 244 |
| resolution instructing com. on, relative to printing debates, | 413 |
| excepted from restrictions relative to aid to railroads, | 466 |
| instructed to have 400 copies of Constitution printed, etc., | 799 |
| PRIVATE PROPERTY, | |
| not to be taken for public use, except, etc., | 405, 413, 414, 499, 618, 620, 679, 680, 681, 685, 741, 742. |

Hosted by Google

| | Page. |
|--|-------------------------|
| RAILROADS—Continued. | |
| list of, to which lands have been granted,..... | 22, 23 |
| information relative to,..... | 186 |
| report of Secretary of State relative to, referred,..... | 40 |
| State aid to,..... | 765 |
| resolution relative to a board of commissioners for,..... | 63 |
| municipal aid to,..... | 453, 454, 455, 460, |
| 461, 465, 466, 467, 468, 469, 470, 473, 475, 476, 477, 478, 481, 482, | |
| 485, 527, 643, 644, 645. | |
| section relative to, as amended, printed,..... | 470 |
| REGENTS OF UNIVERSITY, | |
| relative to establishing a professorship of homeopathy by,..... | 224 |
| chief justice to be <i>ex. officio</i> member of,..... | 564, 590 |
| election of,..... | 563, 590 |
| REGISTER OF DEEDS, | |
| for cities with certain population,..... | 660 |
| RELIGIOUS FREEDOM, | |
| relative to,..... | 387, 388, 496, 497, 498 |
| REPRESENTATIVE HALL, | |
| granted to Young Men's Society,..... | 26 |
| tendered to Rev. J. Russell,..... | 29 |
| granted to ladies of Lansing,..... | 322 |
| granted to Prof. Perrine,..... | 638 |
| REPRESENTATIVE DISTRICTS, | |
| formation of,..... | 414, 647, 648, 649, 651 |
| RESOLUTIONS—MISCELLANEOUS, | |
| By Mr. Aldrich— | |
| directing Secretary to procure list of standing committees,..... | 41 |
| relative to postage,..... | 121 |
| adding member to com. on supplies,..... | 800 |
| By Mr. Alexander— | |
| to fix hour of meeting,..... | 9 |
| to adjourn over,..... | 105 |
| asking State Printer for list of newspapers receiving journals, etc.,..... | 121 |
| relative to proof-sheets of journal,..... | 374 |
| to fix hour of meeting,..... | 606 |
| limiting debate,..... | 608 |
| fixing time for final adjournment,..... | 627 |
| directing post-master to forward debates, etc.,..... | 799 |
| for an address to the people relative to changes in the Constit'n,..... | 828 |
| of thanks to messengers,..... | 828 |
| By Mr. Bills— | |
| to refer resolutions to committees without debate,..... | 75 |
| By Mr. Birney— | |
| for appointment of a select committee on mode of proceeding,... | 8 |
| for committee on mode of proceeding, recommending appoint- | |
| ment of standing committee,..... | 15 |
| limiting debate,..... | 608 |
| to submitting separately the question of prohibition,..... | 734 |
| By Mr. Blackman— | |
| instructing committee on printing relative to printing debates,... | 413 |
| directing Secretary relative to absentees,..... | 413 |
| relative to pay of absent members,..... | 824 |
| directing President and Secretary to issue certificates to persons | |
| employed to assist in enrolling Constitution,..... | 727 |
| By Mr. Bradley,— | |
| requesting committee on arrangement and phraseology, to pre- | |
| pare preamble to Constitution,..... | 103 |
| to submit certain propositions separately to the people,..... | 750 |

| | Page. |
|---|-------|
| RESOLUTIONS, MISCELLANEOUS—Continued. | |
| By Mr. Burtch— | |
| preamble and resolution for guidance of Convention,..... | 11 |
| requesting report of committee on disorderly member,..... | 203 |
| granting himself leave of absence,..... | 223 |
| relative to representation in Legislature from certain counties,... | 423 |
| personal to himself,..... | 458 |
| relative to present mode of providing for the poor,..... | 660 |
| relative to a register of deeds for cities with certain population,.. | 660 |
| preamble and resolution relative to national defenses,..... | 821 |
| relative to womens' rights,..... | 827 |
| By Mr. Case— | |
| requesting Superintendent Public Instruction for statement rela- | |
| tive to number of children in State, schools, etc.,..... | 283 |
| to adopt rule 57 House of Representatives,..... | 450 |
| restricting <i>per diem</i> to actual attendance, etc.,..... | 606 |
| By Mr. Chapin— | |
| providing additional compensation to Assistant Secretaries,..... | 727 |
| ordering 1500 copies daily journal,..... | 90 |
| By Mr. Coolidge— | |
| to authorize State Librarian to index proceedings and debates,.. | 687 |
| By Mr. Conger— | |
| relative to reporter of Advertiser and Tribune,..... | 112 |
| to adjourn to July 9th,..... | 319 |
| accepting invitation to attend laying corner stone of Soldiers' | |
| Monument,..... | 332 |
| of thanks to the State Agricultural Society,..... | 383 |
| apportioning New York debates,..... | 502 |
| providing compensation to Librarian,..... | 797 |
| By Mr. Daniells— | |
| relative to daily recess,..... | 232 |
| to adjourn at noon,..... | 383 |
| to use of Capitol grounds,..... | 383 |
| By Mr. Farmer— | |
| substitute, directing Librarian to furnish each delegate a copy of | |
| Jameson's Work on Constitutional Conventions,..... | 45 |
| instructing State Printer to omit in debates petition of James T. | |
| Dwyer,..... | 223 |
| to print articles on third reading in bill form,..... | 438 |
| to omit a certain memorial,..... | 456 |
| By Mr. Ferris— | |
| asking State Treasurer for information relative to State debt,.... | 9 |
| asking Commissioner of State Land Office for information relative | |
| to certain lands and land grants,..... | 10 |
| relative to foreign insurance companies doing business in this | |
| State,..... | 10 |
| asking Governor for information,..... | 10 |
| relative to appointment of standing committees,..... | 15 |
| to take from the table the communication of State Treasurer,.... | 39 |
| relative to communication of Secretary of State,..... | 40 |
| relative to leaves of absence,..... | 149 |
| referring tobacco petition to a select committee,..... | 332 |
| to print extra journals,..... | 344 |
| By Mr. W. F. Goodwin— | |
| a standing committee on internal improvements,..... | 17 |
| By Mr. Daniel Goodwin— | |
| to send journals to judges,..... | 51 |
| By Mr. Giddings— | |
| to proceed to elect a President of Convention,..... | 5 |
| By Mr. Hazen— | |
| compensation to librarian, (substitute,)..... | 798 |

INDEX.

923

RESOLUTIONS, MISCELLANEOUS—Continued.

Page

By Mr. Holt—

| | |
|--|-----|
| Sergeant-at-Arms to ascertain occupation of members, | 17 |
| appointment of additional messengers, | 41 |
| thanks to citizens of Lansing, | 829 |

By Mr. Huston—

| | |
|---|-----|
| increasing <i>per diem</i> of Postmaster of Convention, | 515 |
|---|-----|

By Mr. Ingalls—

| | |
|--|-----|
| requesting standing committees to report in forty-eight hours, ... | 39 |
| “ “ “ “ etc., | 42 |
| requesting an appropriation for construction of a railroad in Upper Peninsula, | 535 |

By Mr. Kenney—

| | |
|---|-----|
| of thanks to Sergeant-at-Arms and Assistants, | 828 |
|---|-----|

By Mr. Lamb—

| | |
|---|-----|
| relative to Convention, | 365 |
| “ adjournment, | 399 |
| instructing committee on legislative department to report an article, etc., | 749 |
| to increase pay of messengers, | 764 |

By Mr. Lawrence—

| | |
|--|-----|
| instructing agent of State Prison to report number of persons therein, sentenced for murder in first degree, | 283 |
| relative to report of Agent of State Prison, | 374 |

By Mr. Leach—

| | |
|---|-----|
| appointing Seymour Foster, Postmaster of Convention, | 5 |
| instructing State Printer to forward journals to newspapers, | 12 |
| designating days when resolutions of inquiry are in order, | 77 |
| relative to a committee to report provisions for Upper Peninsula, | 105 |
| relative to hour of meeting, | 171 |
| granting Mr. Burtch indefinite leave of absence, | 223 |
| of thanks to ladies of Lansing, | 335 |
| relative to reconsidering articles on counties and townships, | 399 |
| fixing <i>per diem</i> of certain officers and attachées of Convention, | 504 |
| to close debate on prohibition of license, | 607 |
| requesting Secretary to index journals, etc., | 787 |

By Mr. Longyear—

| | |
|---|----|
| relative to printing proceedings and debates, | 24 |
| granting use of Representative Hall to Young Men's Society for lecture of Hon. Schuyler Colfax, | 26 |
| relative to adjournment, | 26 |

By Mr. Lothrop—

| | |
|---|-----|
| relative to submitting alternate propositions to the people in regard to traffic in intoxicating liquors, | 544 |
| relative to submitting separately the question of suffrage to colored men, | 586 |

By Mr. Lovell,

| | |
|--|-----|
| giving members opportunity to explain their propositions to standing committees, | 105 |
| for Sergeant-at-Arms to prepare a list of names, ages, nativity, etc., of members, | 245 |
| to exchange journals, etc., with New York Constitutional Convention, | 256 |
| relative to manual, | 283 |
| instructing Sergeant-at-Arms to divide seats into sections for distribution of New York debates, | 537 |

By Mr. Luce—

| | |
|---|-----|
| instructing State Printer to forward daily journal to newspapers and county clerks, (substitute), | 24 |
| relative to <i>per diem</i> during recess, | 320 |

| RESOLUTIONS, MISCELLANEOUS— <i>Continued.</i> | Page. |
|--|-------|
| By Mr. McClelland— | |
| requesting Secretary of State to furnish the vote on adoption of amendments to present Constitution,..... | 29 |
| asking Auditor General for information as to length and expense of last three sessions of Legislatures,..... | 120 |
| requesting Secretary of State for information relative to pardons since 1850, by Governors,..... | 203 |
| recommitting articles on legislative department, with instructions relative to prohibition and annual sessions of Legislature,.... | 759 |
| of thanks to President of Convention,..... | 828 |
| By Mr. McKernan— | |
| to provide for a standing committee on Upper Peninsula,..... | 105 |
| to provide compensation for Librarian,..... | 727 |
| By Mr. Miles— | |
| authorizing Sergeant-at-Arms to appoint Assistants,..... | 12 |
| instructing Postmaster of Convention to keep postage account with each member,..... | 64 |
| relative to arranging certain articles under head of municipal corporations,..... | 534 |
| By Mr. Morton— | |
| directing Secretary to have present Constitution printed in bill form,..... | 13 |
| relative to printing debates in book form,..... | 63 |
| limiting postage of members,..... | 65 |
| to rescind postage resolution,..... | 28 |
| granting use of Senate Chamber to Prof. Grimes,..... | 188 |
| permitting messengers to use grounds in front of Capitol,..... | 237 |
| directing State Printer to transmit copies of journals, (substitute,)..... | 799 |
| relative to binding journals and debates,..... | 800 |
| directing Secretary of State to forward bound copies of journals and debates,..... | 800 |
| for Secretary of State to forward bound copies of journals and debates to members, officers, etc.,..... | 820 |
| relative to depositing journals and debates in State Library for inter-State exchanges,..... | 823 |
| of thanks to official reporters,..... | 828 |
| By Mr. Mussey— | |
| relative to explanations accompanying reports of standing committees,..... | 82 |
| requesting Auditor General to furnish information as to appropriations to State Normal School,..... | 254 |
| substitute to recommit article on legislative department, with instructions relative to prohibition and sessions of Legislature,.. | 760 |
| relative to distribution of New York journals and debates,..... | 820 |
| report as chairman of committee of the whole,..... | 87 |
| By Mr. Norris— | |
| inviting editors of newspapers to present views of required changes in the Constitution,..... | 29 |
| for appointment of a committee on crimes and punishments,..... | 104 |
| directing Secretary to procure proofs of proceedings of debates,... | 120 |
| requesting committee on intoxicating liquors to accompany reports with the number of petitioners, etc.,..... | 139 |
| directing Secretary to have new Constitution enrolled on parchment,..... | 223 |
| requesting committee on intoxicating liquors and elections to accompany their reports with number of petitioners thereon,.... | 223 |
| relative to laying corner stone of Soldiers' Monument,..... | 399 |
| instructing Secretary to notify clerks of certain counties to transmit judicial statistics,..... | 719 |

RESOLUTIONS, MISCELLANEOUS—Continued.

Page,

| | |
|---|---------------|
| By Mr. Pratt— | |
| requesting Librarian to suspend in the Hall a map of Michigan, for the use of the Convention,..... | 39 |
| to refer resolutions of inquiry without motion,..... | 74 |
| requesting State Treasurer for information relative to companies, etc., paying specific taxes,..... | 120 |
| requesting Auditor General to communicate information relative to corporations, etc., paying specific taxes, etc.,..... | 139 |
| of thanks to clergy,..... | 829 |
| By Mr. Rafter— | |
| relative to eligibility to office,..... | 450 |
| By Mr. Root— | |
| to protect Convention from interruption by a member,..... | 123 |
| relative to <i>per diem</i> during absence,..... | 321 |
| By Mr. Shearer— | |
| resolution to adjourn,..... | 323 |
| relative to friendly intercourse and good feeling in the Convention,..... | 829 |
| By Mr. T. G. Smith— | |
| relative to stationery,..... | 13 |
| relative to postage,..... | 26 |
| By Mr. Wm. A. Smith— | |
| to take preamble and resolution of Mr. Burtch from the table,.... | 26 |
| By Mr. Stockwell— | |
| for daily sessions to commence at 8 o'clock A. M.,..... | 450 |
| By Mr. Stoughton— | |
| requesting Librarian to retain one copy of books to belong thereto, to procure 400 copies of Constitution, etc.,..... | 42 |
| By Mr. Sutherland— | |
| relative to printing proceedings and debates, (substitute,)..... | 25 |
| directing Secretary to request certain information from county clerks, relative to submitting certain propositions to the people separately,..... | 458 |
| By Mr. Thompson— | |
| afternoon sessions to commence at 2½ o'clock,..... | |
| requesting financial statements of Regents of University,..... | 492 |
| By Mr. Turner— | |
| to procure Constitutions of 1835 and 1850,..... | 9 |
| requesting Secretary of State to furnish Manuals,..... | 11 |
| committee to recommend form and manner of publishing proceedings and debates,..... | 25 |
| asking Auditor General for certain information,..... | 41 |
| instructing Librarian to procure for each delegate Jameson's work on Constitutional Conventions,..... | 44 |
| requesting information of Secretary of State Board of Agriculture, relative to use of grounds in front of the Capitol,..... | 103 |
| providing additional compensation to Ass't Secretaries,..... | 457 |
| By Mr. Utley— | |
| directing Secretary to procure extra copies of journal of 15th and 16th of May,..... | 816 |
| By Mr. Van Valkenburgh— | |
| to invite clergymen to open daily sessions with religious exercises, inviting Governor to a seat in Convention,..... | 36 |
| to print Manual,..... | 9 |
| for recess for ladies representing Soldiers' and Sailors' Monument Association to receive contributions,..... | 11 |
| tendering thanks to ladies of Lansing,..... | 244 |
| granting Representative Hall to Prof. Perrine for a lecture,..... | 298 |
| authorizing Secretary to draw an order in favor of Chaplains,.... | 304, 352, 354 |
| | 438 |
| | 822 |

| | Page. |
|--|-------|
| RESOLUTIONS, MISCELLANEOUS—Continued. | |
| By Mr. Walker— | |
| authorizing President to appoint Messengers, | 9 |
| for daily recess, | 43 |
| relative to adjournment, | 823 |
| By Mr. P. D. Warner— | |
| to appoint Geo. W. Spalding P. M. of Convention, | 8 |
| adopting rules of House of Representatives so far as applicable, | 18 |
| to print journals, | 13 |
| granting Rep. Hall to Rev. J. Russel for a temperance lecture, ... | 25 |
| relative to grounds permitted to be used by messengers, | 856 |
| to procure water-jar, | 256 |
| tendering Representative Hall to the ladies of Lansing, | 332 |
| By Mr. F. C. Watkins— | |
| to appoint Sergeant-at-Arms, | 5 |
| By Mr. Willard— | |
| authorizing Secretary to appoint assistants, | 7 |
| authorizing President to appoint firemen, | 12 |
| relative to printing journals, | 13 |
| to print 1000 copies of journals of the 19th of May, | 27 |
| relative to heading at top of debates, | 77 |
| requesting committee on supplies to report mileage of members, .. | 104 |
| By Mr. Withey— | |
| fixing time for vote to be taken on "prohibition of license," | 606 |
| relative to indexing proceedings and debates, (substitute,) | 788 |
| on same subject, | 821 |
| By Mr. Williams— | |
| raising committee to prepare rules, | 12 |
| By Mr. Woodhouse— | |
| to hold afternoon sessions, | 224 |
| By Mr. Yeomans— | |
| relative to commencement of afternoon sessions, | 462 |
| of thanks to Secretary and Assistants, | 828 |
| RESOLUTIONS OF INQUIRY, | |
| By Mr. Alexander— | |
| relative to election of Speaker of House of Representatives by | |
| the people, | 76 |
| relative to restricting number of notaries public, | 85 |
| relative to amending acts of the Legislature, | 85 |
| By Mr. Birney— | |
| relative to incorporating cities and villages, | 225 |
| By Mr. Blackman— | |
| relative to supporting free common schools, | 75 |
| relative to applying fines to support of libraries, | 106 |
| By Mr. Burtenshaw— | |
| relative to establishing a State Prison in the Upper Peninsula, ... | 82 |
| By Mr. Case— | |
| relative to requiring attendance of children in primary schools, .. | 76 |
| By Mr. Chapin— | |
| relative to changing time of holding annual town elections, | 47 |
| By Mr. Coolidge— | |
| relative to taxation of stocks of national banks, | 472 |
| By Mr. Daniels— | |
| relative to township officers, | 86 |
| By Mr. Duncan— | |
| relative to sale of unappropriated swamp lands for school pur- | |
| poses, | 85 |
| By Mr. Elliott— | |
| relative to assessment of property at its cash value, | 84 |
| relative to final decisions of arbitrators, | 84 |

RESOLUTIONS OF INQUIRY—*Continued.*

| | |
|--|-----|
| By Mr. Farmer— | |
| relative to tests of admission to University, Normal School, etc., | 139 |
| relative to making free schools free to all, | 365 |
| By Mr. Ferris— | |
| relative to granted and reserved powers, | 41 |
| relative to devoting public lands to actual settlers, | 63 |
| relative to authorizing counties, towns, cities and villages to aid corporations, associations or companies by voting means or loaning credit, | 64 |
| relative to judicial circuits and terms of courts, | 32 |
| relative to abolishing office of judge of probate, | 33 |
| relative to establishing a bureau of statistics, | 83 |
| relative to organizing cities and villages, | 83 |
| relative to taxing property of societies, etc., | 106 |
| relative to opening streets, etc., through burial grounds, | 256 |
| By Mr. Daniel Goodwin— | |
| relative to judges of probate, | 102 |
| By Mr. Germain— | |
| relative to holding annual township meeting, | 75 |
| By Mr. Hazen— | |
| relative to homesteads to actual settlers, | 255 |
| By Mr. Henderson— | |
| relative to postage on documents, | 28 |
| directing Secretary to have rules of Convention printed, | 77 |
| relative to reports of standing committees, | 321 |
| By Mr. Holmes— | |
| relative to removing restrictions as to number of townships that may compose a county, | 77 |
| relative to establishing a professorship of homeopathy in University, | 224 |
| By Mr. Howard— | |
| relative to pardons, | 44 |
| By Mr. Huston— | |
| relative to pleading, practice and proceedings in courts of record, | 63 |
| relative to equalization of property, | 85 |
| By Mr. Lamb— | |
| relative to voting of idiotic and insane persons, | 83 |
| " citizen soldiers absent from State, | 83 |
| " to disfranchising deserters, etc., | 84 |
| " to taxing dogs, | 255 |
| By Mr. Longyear— | |
| relative to sale of swamp lands, | 105 |
| " to-establishment and endowment of a female college, | 106 |
| By Mr. Lothrop— | |
| relative to preventing public officers from using public moneys, | 428 |
| By Mr. Lovell— | |
| relative to elective franchise, | 44 |
| relative to veto power of the Governor, | 103 |
| By Mr. McClelland— | |
| relative to election of State Senators, | 40 |
| " appointing State officers, | 40 |
| " judges of higher courts, | 40 |
| " publication of laws taking immediate effect, | 40 |
| " adoption of constitutional amendments, | 72 |
| " compensation of clergymen, | 113 |
| " appointment of mayors of cities, | 163 |
| " a board of governors of prisons, | 163 |
| By Mr. Morton— | |
| relative to appropriations for schools, | 172 |

| | Page. |
|---|-------------------------|
| RESOLUTIONS OF INQUIRY—Continued. | |
| By Mr. Musgrave— | |
| relative to annual sessions of Legislature,..... | 61 |
| By Mr. Pratt— | |
| relative to abolishing specific taxes, | 61 |
| " a board of railroad commissioners,..... | 62 |
| " the power of this Convention to authorize the Legisla- ture to amend or repeal charters,..... | 62 |
| By Mr. Pringle— | |
| relative to employment of official reporters,..... | 8 |
| to enlarge committee on arrangement and phraseology,..... | 17 |
| to pay A. & W. H. Drapier for volunteer services as reporters,... | 25 |
| allowing official reporters such papers, documents, etc., as are allowed to members,..... | 31 |
| relative to erasures and interlineations in Constitution,..... | 826 |
| By Mr. Root— | |
| relative to system of instruction in medical department of the University, | 225 |
| By Mr. Shearer— | |
| relative to giving city authorities and supervisors control of mu- nicipal regulations,..... | 61 |
| relative to taxing venders of merchandise from other States,..... | 171 |
| By Mr. T. G. Smith— | |
| relative to vacancies in county offices, | 104 |
| By Mr. Wm. A. Smith— | |
| relative to appeals from decisions of board of auditors of Wayne county, | 62 |
| By Mr. Thompson— | |
| relative to abolishing office of highway commissioners,..... | 64 |
| By Mr. Tyler— | |
| relative to making primary and union schools free, | 84 |
| " to compulsory attendance of children in schools,..... | 85 |
| " to building and repairing bridges by counties,..... | 104 |
| By Mr. Utley— | |
| relative to grants of land from general Gov't unless absolute in terms, | 62 |
| By Mr. Van Riper— | |
| relative to county superintendents of common schools,..... | 82 |
| By Mr. Van Valkenburgh— | |
| relative to employment of chaplains by the Legislature,..... | 76 |
| " eligibility of judges to other offices,..... | 104 |
| By Mr. W. E. Warner, | |
| relative to establishing 8 hours as a days' work,..... | 64 |
| " " " " unless otherwise agreed between parties,..... | 73 |
| relative to building and repair of bridges,..... | 76 |
| By Mr. White— | |
| relative to <i>per diem</i> ,..... | 401 |
| By Mr. Willard— | |
| relative to woman suffrage,..... | 75 |
| relative to system of uniform taxation,..... | 75 |
| " sale of swamp lands for school purposes,..... | 172 |
| RICE, BERNHARDT, | |
| appointed fireman,..... | 18 |
| RICHMOND, CHARLES H., a delegate from Washtenaw county, | |
| answered to name, sworn in,..... | 4-5 |
| appointed on committee on employing official reporters,..... | 9 |
| " " education,..... | 32 |
| " " finance and taxation,..... | 32 |
| petitions presented by,..... | 53, 115, 153, 212 |
| leave of absence granted to,..... | 143, 265, 358, 586, 775 |

929

117

| | Page. |
|--|-------------------------|
| SAWYER, JACOB C. , a delegate from Lenawee county, | |
| answered to name, sworn in,..... | 4-5 |
| appointed on committee on corporations other than municipal,... | 32 |
| " " impeachments,..... | 32 |
| leave of absence granted to,..... | 27, 358, 595 |
| petitions presented by,..... | 89, 133, 157, 288, 302 |
| SCHEDULE, | |
| a committee on, recommended,..... | 15 |
| " " authorized, | 16 |
| " " appointed, | 32 |
| reported by committee,..... | 748 |
| read twice, referred to committee of the whole,..... | 748 |
| considered in committee of the whole, ...790, 791, 792, 793, 794, 795, | |
| 796, 800, 801, 802. | |
| reported back from committee of the whole,..... | 802 |
| amendments to, considered,..... | 803, 804, 805, 806, 807 |
| referred to committee on arrangement and phraseology,..... | 807 |
| printed in journal,..... | 807-813 |
| reported back by committee on arrangement and phraseology,... | 814 |
| section 17 of, transferred to article on salaries,..... | 814 |
| amendments to, considered,..... | 815 |
| passed,..... | 815-16 |
| referred for numerical arrangement,..... | 816 |
| numerical arrangement of,..... | 787 |
| SCHOOLS, | |
| resolutions relative to support of, by uniform tax,..... | 75, 365 |
| resolution relative to county superintendents of,..... | 82 |
| compulsory attendance of children at,..... | 85, 560, 597, 598 |
| resolution prohibiting appropriations of money from treasury, for | |
| support of, other than union, common, boys' reform, orphans, | |
| etc.,..... | 172 |
| to appropriate a certain portion of proceeds of sale of swamp | |
| lands for support of,..... | 172 |
| resolution asking Superintendent of Public Instruction for infor- | |
| mation relative to,..... | 283 |
| children in the State eligible to attend,..... | 422, 560 |
| Legislature to provide system of primary,..... | 523, 557, 559 |
| under denominational control, Legislature prohibited from appro- | |
| priating public moneys for support of,..... | 453, 548, 552, 663, 664 |
| uniform tax for support of primary,..... | 583 |
| maintenance of, in each district,..... | 584, 599 |
| SCHOOL INSPECTORS, | |
| number of, in townships,..... | 123, 125 |
| SEAT OF GOVERNMENT, ETC., | |
| a committee on, recommended,..... | 14 |
| " " appointed,..... | 31 |
| article on, reported, etc.,..... | 69 |
| read twice, referred to committee of the whole,..... | 69 |
| considered in committee of the whole,..... | 94 |
| passage recommended,..... | 107 |
| referred to committee on arrangement and phraseology,..... | 107 |
| reported back, tabled,..... | 116 |
| taken from table,..... | 164 |
| motion to recommit,..... | 165 |
| passed, | 166 |
| relative to Governor's residing at,..... | 284 |
| SEARCHES AND SEIZURES, | |
| unwarrantable, prohibited,..... | 403 |
| SEAYER, H. H., | |
| appointed Assistant Sergeant-at-Arms,..... | 17 |
| vote of thanks to,..... | 328 |

931

Hosted by Google

| | Page. |
|--|-----------------------------|
| SERGEANT-AT-ARMS—Continued. | |
| directed to procure the ages, nativity, names, etc., of members, . | 244 |
| directed to forbid boys, except on invitation of messengers from using Capitol grounds, | 255 |
| directed to procure water jar, | 256 |
| report of, on names, ages, etc., | 328, 329 |
| <i>per diem</i> of, | 502 |
| resolution requesting, to divide Convention into sections for distri- bution of journals, etc., from New York Convention, | 537 |
| vote of thanks to, | 828 |
| SESSIONS, | |
| daily, hour of meeting for, | 9, 82, 86, 450 |
| to open with devotional exercises, | 9 |
| hour of meeting of, | 171 |
| resolution relative to, | 224 |
| afternoon, hour of meeting, | 462, 463, 464, 606 |
| SEYMOUR, GEORGE, | |
| appointed messenger, | 44 |
| SHEARER, JONATHAN, a delegate from Wayne county, | |
| answered to name, sworn in, | 4-5 |
| appointed on committee on boundaries and seat of government, . | 31 |
| offered resolution of inquiry relative to giving city authorities and supervisors, control of all municipal regulations, | 61 |
| offered resolution of inquiry relative to taxing venders from other States, of merchandise, | 171 |
| offered resolution to adjourn to September 2d, | 323 |
| “ relative to friendly intercourse and good feeling in the Convention, | 829 |
| petitions presented by, | 39, 230, 267, 420, 470, 506 |
| SHELDON, HORACE G., a delegate from Lenawee county, | |
| answered to name, sworn in, | 3-5 |
| appointed on committee on townships, | 32 |
| leave of absence granted to, | 127 |
| petitions presented by, | 340, 412 |
| SINKING FUND, | |
| to be provided, | 225 |
| SLAVERY, | |
| never to be tolerated, | 405 |
| SMOKING IN PUBLIC STREETS, | |
| petition relative to, | 327 |
| select committee appointed on, | 344 |
| report of committee on, | 398 |
| SMITH, THADDEUS G., a delegate from Genesee county, | |
| answered to name, sworn in, | 3-5 |
| appointed chairman committee on townships, | 32 |
| appointed on committee on elections, | 31 |
| offered resolution relative to stationery, | 13 |
| “ “ postage, | 26 |
| “ of inquiry relative to vacancies in county offices, | 104 |
| leave of absence granted to, | 127, 143, 548 |
| petitions presented by, | 89, 99, 471 |
| SMITH, WILLIAM A., a delegate from Wayne county, | |
| answered to name, sworn in, | 4-5 |
| appointed on committee on townships, | 32 |
| offered resolution to take preamble and resolution of Mr. Burtch from the table, | 26 |
| offered resolution of inquiry relative to appeals from decisions of board of auditors of Wayne county, | 62 |
| leave of absence granted to, | 143, 371, 479, 693 |
| petitions presented by, | 92 |

| | Page. |
|---|-----------------------------|
| SMITH, FREDDIE, appointed messenger, | 44 |
| SPEAKER OF HOUSE OF REPRESENTATIVES, election of, by the people, | 76, 119 |
| <i>per diem</i> of, | 431, 433 |
| SPECIFIC TAXES, relative to, | 238 |
| in Upper Peninsula, | 215, 220, 224 |
| only collected from corporations, | 245 |
| STANDING COMMITTEES, appointment of, | 31, 32 |
| appointed on Upper Peninsula, | 121 |
| list of, ordered printed, | 41 |
| report of select com. and resolution recommending, | 14, 15 |
| resolution relative to reports of, | 39, 42, 321 |
| resolutions of inquiry referred to, | 75 |
| STATE DEBT, amount, classification, and terms of payment of, | 23 |
| communication relative to, referred, | 39 |
| extinguishment of, | 257 |
| proceeds of sale of swamp lands applied to extinguishment of, .. | 683, 684, 685. |
| STATE LANDS UNAPPROPRIATED, ETC., information concerning, asked for, | 10 |
| communication of Commissioner transmitting statement relative to, | 72 |
| resolution relative to providing homesteads from, | 255 |
| STATE OFFICERS, a committee on, recommended, | 14 |
| " authorized, | 15 |
| " appointed, | 32 |
| resolution relative to appointment by Governor, referred, | 40 |
| " election of Speaker of House of Representa- tives by the people, referred to, | 76 |
| report of, on appointments by the Governor, election of Speaker of House of Representatives, and Inspectors of State Prison, by the people, | 119 |
| resolution referred to, relative to Board of Governors of Prisons, .. | 163 |
| article on, reported, | 119 |
| " read twice, referred to committee of the whole, | 120 |
| " considered in committee of the whole, | 368, 369, 370, 374, 375. |
| article on, leave granted committee to sit again on, | 370 |
| " passage of, recommended, | 375 |
| " amendments to, considered, | 373, 385, 386, 387 |
| " laid on the table, printed in journal, | 387 |
| " taken from table, amendments to, considered, | 400, 401 |
| " made special order for July 16th, | 401 |
| " taken up as special order, | 458 |
| " amendments to, considered, | 459 |
| " referred to com. on arrangement and phraseology, | 459 |
| " reported back, printed in journal, | 551, 552 |
| " taken from third reading, laid on the table, | 556 |
| " special order for third reading, | 605 |
| " passed, | 673 |
| " referred to committee on arrangement and phraseol- ogy, for numerical arrangement, | 674 |
| article on, arranged numerically, | 787 |
| report of committee on, relative to Board of Governors of Pris- ons, | 342 |
| not entitled to fees or perquisites, | 722, 723 |

Hosted by Google

| | Page. |
|---|-----------------------------------|
| SUPERINTENDENT OF PUBLIC INSTRUCTION, | |
| children of school age, number of, requested to furnish, | 283 |
| communication from, | 421 |
| salary of, | 630, 633, 717, 724, 725 |
| SUPERVISORS, | |
| boards of, to have legislative power over municipal regulations, . | |
| report of committee on judicial department, relative to certain | |
| powers of, | 79 |
| repair of bridges, etc., by, | 76, 104 |
| representation of cities and villages on boards of, | 104 |
| relative to powers of, | 442, 543, 544 |
| relative to increasing salaries of circuit judges by boards of, | 706, 718 |
| SUPPLIES AND EXPENDITURES, | |
| a committee on, recommended, | 15 |
| " authorized, | 16 |
| " appointed, | 32 |
| resolution relative to mileage of members, referred to, | 104 |
| mileage of members reported by, | 251-3 |
| Mr. Longyear added to committee on, | 800 |
| SUPREME COURT, | |
| jurisdiction of, | 570 |
| terms of, | 570 |
| opinion of, may be required by Legislature, | 578, 609 |
| election of judges of, | 807 |
| SWAMP LANDS, | |
| resolution relative to sale of, | 85, 105 |
| subject to entry, and reserved, | 73 |
| drainage and reclamation of, | 682 |
| proceeds of, application to extinguishment of State debt, | 683 |
| SUTHERLAND, JABEZ G., a delegate from Saginaw county, | |
| answered to name, sworn in, | 4-5 |
| appointed on committee on mode of proceeding to revise Consti- | |
| tution, | 8 |
| appointed on committee on judicial department, | 31 |
| " on committee on arrangement and phraseology, | 82 |
| offered resolution relative to printing proceedings and debates, | |
| (substitute,) | 25 |
| offered resolution directing Secretary to request certain informa- | |
| tion from county clerks, | 428 |
| offered resolution relative to submitting certain propositions to | |
| the people separately, | 458 |
| leave of absence granted to, | 87, 126, 245, 340, 595 |
| petitions presented by, | 115, 130, 242, 340, 358, 393, 427 |
| TAXATION, | |
| resolution relative to uniform system of, | 75, 238, 245 |
| for school purposes, | 559 |
| TELLERS, | |
| motion to appoint, | 5 |
| appointment of, | 5 |
| THOMPSON, LEWIS J., a delegate from Hillsdale county, | |
| answered to name, sworn in, | 4-5 |
| appointed on committee on printing, | 33 |
| " " education, | 32 |
| offered resolution of inquiry relative to abolishing office of high- | |
| way commissioner, etc., | 64 |
| offered resolution requesting financial statement of Regents of | |
| University, | 492 |
| leave of absence granted to, | 247, 407, 602, 637 |
| petitions presented by, | 144, 145, 341, 351, 393, 413 |

| | Page. |
|---|--|
| TOWNSHIPS, | |
| a committee on, recommended, | 15 |
| " authorized, | 16 |
| " appointed, | 32 |
| resolution relative to holding annual township meeting, referred to, | 75 |
| resolution relative to commissioner of highways, referred to, 64, | 86 |
| article on, reported, | 89 |
| read twice, referred to committee of the whole, | 90 |
| considered in committee of the whole, 113, 114, 122, 123, 124, | 125 |
| substitutes for article offered, | 124 |
| article on, reported back, and passage recommended, | 125 |
| " amendment to, concurred in, | 125 |
| " referred to com. on arrangement and phraseology, | 127 |
| " reported back by committee on arrangement and phraseology, | 137 |
| article on, passed, | 172 |
| " referred for numerical arrangement, | 173 |
| " resolution to reconsider, | 399 |
| " arranged numerically, | 787 |
| names changed that there may not be two alike, | 125 |
| TOWNSHIP OFFICERS, | |
| substitute for section 1, of article on townships, designating, ... 114, 123, 124, | |
| TRIAL BY JURY, | |
| relative to, | 388, 389, 403, 498, 578 |
| TURNER, JOSIAH, a delegate from Shiawassee county, | |
| answered to name, sworn in, | 4-5 |
| appointed chairman committee on schedule, | 32 |
| appointed on committee on judicial department, | 31 |
| offered resolution to procure Constitutions of 1835 and 1850, | 9 |
| " requesting Sec. of State to furnish Manuals, | 11 |
| " for a com. to recommend form and manner of publishing proceedings and debates, | 25 |
| offered resolution requesting Auditor General for certain information, | 41 |
| offered resolution instructing Librarian to procure for each delegate Jameson's work on Constitutional Conventions, | 44 |
| offered resolution requesting information of Secretary of State Board of Agriculture, | 103 |
| offered resolution relative to use of grounds in front of Capitol, ... | 457 |
| " providing additional compensation to Assistant Secretaries, | 816 |
| leave of absence granted to, | 27, 91, 265, 379, 410, 456, 535, 604, 637. |
| petitions presented by, | 79, 97, 130, 175, 295, 310, 313, 420, 587 |
| TYLER, COMFORT, a delegate from St. Joseph county, | |
| answered to name, sworn in, | 4-5 |
| appointed on committee on legislative department, | 31 |
| offered resolution of inquiry relative to making primary and union schools free, | 84 |
| offered resolution of inquiry relative to compulsory attendance of children in schools, | 85 |
| offered resolution of inquiry relative to building and repairing bridges by counties, | 104 |
| leave of absence granted to, | 624, 796 |
| petitions presented by, | 88, 302, 372, 373, 411, 444, 730 |

U.

| | |
|--|--|
| UNIVERSITY OF MICHIGAN, | |
| resolution relative to admission of students to, | 139 |
| resolution relative to establishing a chair of Homeopathy in, | 224 |
| lands of, | 72 |
| resolution relative to uniform system of medical instruction in, ... | 255 |
| memorial of Alumni of, | 524, 525, 526 |
| expenditures of, | 564 |
| tax for support of, | 564 |
| to make Agricultural College a branch of, | 564, 590 |
| communication from President of, | 567 |
| establishing chair of Homeopathy in, | 600 |
| UPPER PENINSULA, | |
| resolution for a committee to report constitutional provisions for, .. | 105 |
| standing committee appointed on, | 121 |
| report of committee on, | 210 |
| establishment of State Prison in, | 214, 220 |
| specific taxes in, | 215, 220, 244 |
| two Senators for, | 211 |
| constitutional provisions for, report on, | 219 |
| memorial printed asking for two Senators for, | 308 |
| memorial relating to the copper interest, printed in journal, | 396 |
| report of committee on memorial relating to copper interest, | 395 |
| resolution asking Congress for appropriation or grant, to aid con- struction of a railroad from Detroit, to and through the Upper Peninsula, | 535, 536, 561, 573, 574, 575, 576 |
| counties in, constituting eleventh judicial circuit, | 795 |
| “ in the fourth judicial district, | 805 |
| memorial relative to Senators from, | 308 |
| UTLEY, WILLIAM S., delegate from Newaygo county, | |
| answered to name, sworn in, | 4-5 |
| appointed on committee on rules, | 17 |
| “ “ schedule, | 32 |
| “ “ public lands, | 32 |
| offered resolution directing Secretary to procure extra copies of journal of 15th and 16th of May, | 36 |
| offered a resolution of inquiry relative to grants of land from gen- eral Gov't unless absolute in terms, | 62 |
| petitions presented by, (see petitions.) | |
| leave of absence granted to, | 126, 288, 341, 419, 444, 471, 543, 573 |
| UTLEY, CYRUS, | |
| appointed messenger, | 44 |

V.

| | |
|---|--|
| VAN RIPER, JACOB J., a delegate from Cass county, | |
| answered to name, sworn in, | 4-5 |
| appointed on committee on judicial department, | 31 |
| “ “ bill of rights, | 32 |
| offered resolution of inquiry relative to county superintendents of common schools, | 82 |
| leave of absence granted to, | 127, 302, 358, 379, 410, 543, 604, 653 |
| petitions presented by, | 109, 156, 295 |
| VAN VALKENBURGH, JACOB, a delegate from Oakland county, | |
| answered to name, sworn in, | 4-5 |
| appointed chairman of committee to invite clergymen to open daily sessions of Convention with religious exercises, | 17 |
| appointed chairman of committee on elections, | 31 |
| “ on committee on executive department, | 31 |

| | Page. |
|---|--|
| VAN VALKENBURGH, JACOB—Continued. | |
| offered resolution to invite clergymen to open daily sessions with religious exercises, | 9 |
| offered resolution inviting Governor to a seat in Convention, | 11 |
| “ of inquiry relative to employment of chaplains by the Legislature, | 76 |
| offered resolution of inquiry relative to eligibility of judges to other offices, | 104 |
| offered resolution to print Manual, | 244 |
| “ for recess for ladies representing Soldiers' and Sailors' Monumental Association to receive contributions, | 298 |
| offered resolution tendering thanks to ladies of Lansing, ..304, 352, | 354 |
| “ granting Representative Hall to Prof. Perrine for a lecture, | 438 |
| offered resolution authorizing Secretary to draw an order in favor of Chaplains, | 822 |
| leave of absence granted to, | 556, 611 |
| petitions presented by, | 79, 92, 99, 100, 135, 155, 231, 242, 604 |
| remarks in behalf of messengers presenting Bible to President, .. | 537 |
| “ on final adjournment, | 831 |
| W. | |
| WALKER, ALVAH H., a delegate from Clinton county, | |
| answered to name, sworn in, | 3-5 |
| appointed on committee on townships, | 32 |
| “ “ cities and villages, | 32 |
| offered resolution authorizing President to appoint Messengers, .. | 9 |
| “ for daily recess, | 43 |
| “ relative to adjournment, | 823 |
| leave of absence granted to, | 91, 796 |
| petitions presented by, | 98, 144, 146, 242, 249, 266, 327, 427 |
| WARNER, P. D., a delegate from Oakland county, | |
| answered to name, sworn in, | 4-5 |
| chosen President, <i>pro tempore</i> , | 4 |
| appointed on committee on rules, | 17 |
| “ chairman committee on State Officers, | 31 |
| “ on committee on legislative department, | 31 |
| chairman of committee of the whole, | 225, 228, 234, 245 |
| offered resolution to appoint George W. Spaulding, Postmaster of Convention, | 8 |
| offered resolution adopting rules of House of Representatives so far as applicable, | 8 |
| offered resolution to print journals, | 13 |
| “ granting Rep. Hall to Rev. J. Russel for a temperance lecture, | 25 |
| offered resolution relative to grounds permitted to be used by messengers, | 256 |
| offered resolution to procure water-jar, | 256 |
| “ tendering Representative Hall to the ladies of Lansing, | 332 |
| leave of absence granted, | 143, 624 |
| made report from committee on State Officers, | 119 |
| petitions presented by, | 39, 67, 310, 311, 312, 350, 371, 474 |
| reported article on State Officers, | 719 |
| President, <i>pro tem.</i> , | 528 |
| WARNER, WILLIAM E., a delegate from Wayne county, | |
| answered to name, sworn in, | 4-5 |
| appointed on committee on cities and villages, | 32 |
| “ “ on corporations other than municipal, | 52 |
| announced death of Judge Witherell, | 378 |

WARNER, WILLIAM E.,—*Continued.*

| | |
|--|----|
| offered resolution of inquiry relative to establishing 8 hours as a days' work,..... | 64 |
| offered resolution of inquiry relative to establishing 8 hours as a day's work unless otherwise agreed between parties,..... | 73 |
| offered resolution of inquiry relative to building and repairs of bridges,..... | 76 |
| leave of absence granted to,.....265, 379, 470, 595, 653, 693 | |
| petitions presented by,.....8, 134, 144, 240, 313, 380, 462, 527 | |

WATKINS, FREEMAN C., a delegate from Jackson county,

| | |
|---|-----|
| answered to name, sworn in,..... | 4-5 |
| appointed on committee on boundaries and seat of government,..... | 31 |
| “ “ intoxicating liquors,..... | 32 |
| moved appointment of President <i>pro tem.</i> ,..... | 4 |
| offered resolution to appoint Sergeant-at-Arms,..... | 5 |
| petitions presented by,.....153, 168, 176 | |
| leave of absence granted to,.....27, 265, 407, 479, 555, 604 | |

WATKINS, MILTON C., a delegate from Kett county,

| | |
|---|-----|
| answered to name, sworn in,..... | 4-5 |
| appointed on com. on legislative department,..... | 31 |
| “ “ counties,..... | 32 |
| chairman of committee of the whole,.....368, 374 | |
| leave of absence granted to,.....91, 127, 814 | |
| petitions presented by,.....55, 133, 243, 295 | |

WHITE, WILLIAM E., a delegate from Allegan county,

| | |
|--|-----|
| answered to name, sworn in,..... | 3-5 |
| appointed on committee on counties,..... | 32 |
| “ “ public lands,..... | 32 |
| offered resolution relative to <i>per diem.</i> | 401 |
| leave of absence granted to,.....543, 796 | |
| petitions presented by,....135, 144, 194, 195, 267, 340, 358, 380, 412 | |

WINANS, EDWIN B., a delegate from Livingston county,

| | |
|--|----|
| present and sworn in,..... | 14 |
| appointed on committee on military affairs,..... | 32 |
| leave of absence granted to,.....27, 127, 143, 350, 410 | |
| petitions presented by,.....130, 194, 207, 241, 341, 624 | |

WINSOR, RICHARD, a delegate from Huron county,

| | |
|--|-----|
| announced and sworn in,..... | 175 |
| appointed on committee on finance and taxation,..... | 32 |
| “ “ public lands,..... | 32 |
| chairman of committee of the whole,.....521, 556, 558, 561 | |
| petitions presented by, (See petitions.)..... | |
| leave of absence granted to,.....378, 814 | |

WILLARD, GEORGE, a delegate from Calhoun county,

| | |
|---|-----|
| answered to name, sworn in,..... | 3-5 |
| appointed on committee on mode of proceeding to revise Constitution,..... | 8 |
| appointed chairman committee on education,..... | 32 |
| appointed on committee on arrangement and phraseology,..... | 32 |
| moved that Secretary of State administer oath to delegates,..... | 5 |
| chairman of committee of the whole,.....493, 494, 617, 619 | |
| offered resolution authorizing Secretary to appoint assistants,... | 7 |
| “ “ authorizing President to appoint firemen,..... | 12 |
| “ “ relative to printing journals,..... | 13 |
| “ “ to print 1000 copies of journals of the 19th of | |

May,

| | |
|--|----|
| offered resolution of inquiry relative to woman suffrage,..... | 75 |
| “ “ “ a system of uniform taxation,..... | 75 |

